V Rec'd Sept. Nov 18.

McDonald China Reed (3.)

J48073 R5900 R.

Official No 21 Legation of the United States

Tientsin. June 15. 1858.

Sir,

Since my last, another mail has arrived from the United States bringing me private letters to the 23d March, but not a word from the Department, even in acknowledgment of the receipt of my several despatches. I have every reason, in the present position of affairs, to regret this silence.

I have the honour to resume the narrative of occurrences here, leading slowly but, I hope, surely, to a successful negociation. If it fails, it will be either through some new and unrevealed perversity on the part of the Chinese, or from the tone which the Allied Plenipotentiaries have, since their arrival here, thought it their duty to adopt.

On the 3rd inst. their Excellencies Kweiliang and Hwashana communicated to me their arrival and fixed a time for an interview (Inclosures No 1a No 1b) They had previously informally desired a conference with all the Plenipotentiaries, which, however, was very judiciously rejected by the English and French. In such

Hon: Lewis Cass
Secretary of State
Washington.

such a course there would have been many practical difficulties which could not be overlooked. Lord Elgin's interview took place on the 4th — Baron Gros' on the 6th and mine on the morning of the 7th — the 5th being passed over as one of the unpropitious days of the Chinese Calendar. Annexed to this despatch (Inclosure N°2a N°2b,c,d,e,) are the notes of these Interviews as communicated to me — My impression, as derived from other sources of information, is that the breaking off of the conference, especially by Lord Elgin, seemed to the Chinese rather more impetuous and abrupt than is revealed in their notes, and no personal intercourse has occurred since. The visits of the English and French Ministers were made in considerable state and with a large military escort.

On the morning of the 7th accompanied by my suite, one or two Officers of the squadron, and a small guard of marines from the Minnesota, I had an interview with the Commissioners at the Temple of Hai-kwang about a mile beyond the city wall — My reception was in every way courteous and proper. Kweiliang, the senior Commissioner, (the elder brother of the Governor General Eliang who had an interview with Mr Marshall in 1853,) is an aged man, but both he and his associate, Hwashana, seemed to be very intelligent and in all respects self possessed.

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So soon as the compliments were over, I directed the Interpreters to read them a paper which, as embodying my views, I take the liberty of making part of this despatch and which was listened to with great attention:

"The Minister of the United-States having met "their Excellencies the Imperial Commissioners, appointed, "(as their communication, received a few days ago, expressly "states) with full powers to negotiate with him, thinks it "important, in view of the gravity and interest of the occasion, "to state his views and the expectations of his Government; and "in order that they may be well interpreted and understood, "he has reduced them to writing, to be read to their "Excellencies. He begs for them earnest attention.

"1st. He desires, in the first place, to see the decree "by which the Commissioners are appointed with full "powers, and to have a copy of it; in return for which "he is prepared to exhibit his powers and to furnish a "copy. In asking this, he does not mean to depart from "the line of conduct which he prescribed for himself at "Yedo, where he received in good faith the assurance "of their Excellencies, the late Commissioners, that, "according to the customs of the Empire, absolute "full powers are never granted, or if granted, are, as is "the case in the United-States, subject, in their exercise, to "revision by a higher authority. But the Minister of

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"the United-States means to be treated, throughout, on
"precisely the same terms as those of England and France;
"and learning that copies of the powers of the Imperial
"Commissioners have been furnished (after the exhibition
"of the originals) to their Excellencies the Russian Minister,
"Baron Gros, and Lord Elgin, he expects and insists on the
"same thing.

"2nd. This being done, the Minister of the United-
"States is prepared and anxious to resume the negotiations
"which were interrupted by the unfortunate hostilities at
"the Taku forts, or to begin them anew, as may seem best
"to the Imperial Commissioners: but being anxious to
"complete the performance of his duties, and to remain
"no longer than is absolutely necessary as a witness to
"the difficulties with other nations, in which, as the Chinese
"authorities well know, he has no part, - he expects to
"have a meeting every day, at the same hour, with their
"Excellencies, till the new treaty shall be completed; or,
"if a different course be preferred, that the details of
"the proposed treaty shall be considered and discussed
"by one or two persons, appointed on each side for that
"purpose; the result of such conferences to be reported
"at a meeting of the Imperial Commissioners and the
"Minister of the United-States, on Friday next, at 10
"o'clock, A.M., if agreeable to their Excellencies.

"3. Before stating in detail the propositions

"to

"to be embodied in the new and revised treaty, the
"Minister of the United-States, meeting their Excellencies,
"the Imperial Commissioners for the first time, desires
"to say a few words as to the circumstances and objects
"of his visit to Tientsin. For them, he solicits earnest
"attention; and if there be anything in what he says
"unintelligible to their Excellencies, he begs that questions
"may be asked, which he is prepared to answer.

"He begs to remind their Excellencies that the
"United-States have always been friends of China, and
"that never, either before or since the treaty of 1844, has
"there been the slightest interruption of friendly relations.
"When China has been in conflict with England, or any
"other nation, the United-States have continued its
"friend. When other nations have pressed China harshly,
"the United-States have never added to the pressure,—
"but, on the contrary, have always, out of their
"ancient friendship, been willing to defer their just
"claims for redress.

"The United-States differs from other
"Western nations in this,—that its fundamental
"law, that which is known as its Constitution, or
"most sacred law,—prohibits it absolutely, even
"if disposed, (as it is not,) from acquiring colonies,

"such

"such as Hongkong, or taking for permanent
"occupation any part of the territory of His Majesty
"the Emperor. The United-States therefore neither
"will nor can occupy any portion of His Majesty's
"territory: not only this, but the United-States will
"view with extreme regret the seizure and occupation of
"more Chinese territory by any of the European powers.
"The Minister of the United-States has the most positive
"assurances from His Excellency The English Minister
"that no such occupation of territory is now contemplated
"by his government; but it is in a spirit and tone of
"earnest warning that the Minister of the United-
"States says to the Imperial Commissioners that this
"resolution may soon be changed; and he implores
"them, for the sake of the integrity of the empire, to
"exert their best influence to bring about a speedy
"pacification. Be this as it may; the United States
"want no Chinese territory — will not seize it, — and
"would not accept it, if it were offered to them.

"The Minister of the United-States further begs
"to state to the Imperial Commissioners that England
"and France, more than a year ago, solicited his
"country to join in a hostile demonstration against
"China, such as is now in progress, but the

"United

"United-States, remembering their ancient friendship
"to China, refused to do so. He has nothing to do
"with hostilities now. The Minister of the United-States
"and the naval forces of his country were not present
"when Canton was taken. He saw, with deep regret,
"the hostilities at the Taku forts.

"Thus, acting as a friend, he expects to be
"treated as a friend; for if friends are not treated
"better than enemies, they soon become enemies: and
"the Minister of the United-States says distinctly
"and solemnly to the Imperial Commissioners that the
"United-States being friends, will not be content to
"be treated as if they were not friends.

"4. The Minister of the United-States came to
"China in November last. Until February he remained
"in the South, hoping that peace would be restored.
"On the 10th February, he addressed a respectful letter
"to the Supreme Council of State at Peking, - stating his
"intention to go to Shanghai, and asking for the
"appointment of a Plenipotentiary to meet him there,
"for the purpose of peaceful negociation. This, unfortunately,
"the Government of His Majesty did not choose to do. The
"Minister of the United-States, among other things, selected
"Shanghai because Canton was in the possession of

"an

"an enemy, and he could not negociate there. Besides,
"it is his determination, and he believes that of his
"Government, that the Legation of the United States
"shall never again be permanently established in the
"South of China, or at any place further from the
"Capital than Shanghai.

"5. No Plenipotentiary coming to meet the
"Minister of the United States at Shanghai, though
"he remained there till the 13th April, he came to
"the North —, to the Gulf of Pechili, as he said he
"would: What occurred after his arrival near the
"mouth of the Peiho, he presumes is well known to their
"Excellencies the Imperial Commissioners, and need not
"be repeated now. There, as everywhere, he sought to act
"the part of a friend of China. He told the late Imperial
"Commissioners what would be the effect of a refusal to make
"the preliminary concessions demanded of them; and it
"came to pass exactly as he foretold: and he now repeats
"to their Excellencies the new Commissioners, the same
"words of warning, made more earnest by the results
"of the last few weeks, that unless there be speedy
"concession and pacification there will be new
"and more serious hostilities, threatening the capital
"itself, and ultimately the integrity of the Empire.

The

"The Minister of the United States, in
"conclusion, begs to say that his powers of mediation
"or rendering good offices, which he fears have always
"been overestimated, are exhausted. He can best
"serve the Chinese now by testifying his regret at
"the continuance of hostilities, by going away and
"withdrawing the countenance his presence may
"be supposed to give to an elaborate campaign
"in China: but he will not go away until he
"concludes such a treaty as provides for the
"settlement of the just claims of his Government,
"and gives him the express and solemn, and
"renewed assurance that hereafter the United
"States shall have the same rights and privileges
"as other nations. It is in that spirit that he
"has prepared the project of a treaty which he is
"ready and anxious to present and discuss
"with the Commissioners. If it is adopted as it
"now stands, or after mature and friendly
"consideration and modification it is signed
"and approved, so that he can carry it back to
"his Government, it is his intention to withdraw
"from this scene of disturbance, and until peace be
"restored, to establish the Legation of the United States

"elsewhere

"elsewhere. If it is rejected, his course of action will be
"regulated by circumstances. He hopes it will be
"adopted, so that friendship may still exist between
"the United-States and China.

"Their Excellencies will observe that it is
"not his intention to intrude himself alone at the
"Capital of the Empire, or to ask for his fellow-
"citizens access to the rivers and territory generally
"of China, but to insist on the recognition for
"him and them, of these rights, if hereafter they
"should be conceded to any other nations, either
"England, or Russia, or France. So reasonable
"a demand he hopes will be at once agreed to,
"and then the United-States will be satisfied."

The credentials were then exhibited on both sides and copies exchanged - (Inclosure N°3)
The full powers for which the Allies were so scrupulous at the mouth of the river and which they now accepted are contained in the authority to the commissioners within certain limits "to do as they please". In answer to my enquiry whether the Commissioners preferred our considering and discussing the project of a treaty or delegating it to others, they expressed a preference for the

latter

latter course. Mr Williams was selected on my part and an Officer of high rank, Chang, on the part of the Chinese. They have been in constant intercourse since and I avail myself of this opportunity to express my great obligation to Mr Williams and to his Interpreter Mr W. A. P. Martin for their intelligent and devoted attention and efforts throughout. The formal minutes of the interview are annexed. (Inclosure N° 4)

Late on the same day I received a communication from Yan, the late Commissioner as to the Emperor's reply to the President's letter (Inclosure N° 5) to which however, having been informed that Yan had been superseded, I returned no answer beyond a verbal message expressive of sympathy with his misfortuner.

Rumours were current for several days that Keying — the former Governor General at Canton and the Imperial Commissioner who negociated the various treaties of 1842 & 1844, — , and whose degradation had been long since believed and death rumoured, had been restored to power and arrived at Tientsin — and on the 9th inst I received a note from him informing me of the fact and that he should call on me in a few days (Inclosure N° 6)

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I had of course no question as to what I should do. It seemed to me a duty of personal courtesy and propriety to receive the visit thus tendered, whether Keying had an official rank or not. He was an aged and eminent man, known in my country as such and entitled to due consideration— I mention this only because a different course was pursued by Lord Elgin and Baron Gros who refused to see or have any intercourse with him. I incline to think they rest their refusal on the facts revealed in the intercepted documents at Canton. The Russian Minister without any express concert between us, agreed with me.

I received Keying at my residence with such honours as my limited means enabled me to pay him and returned his visit. He bears the marks of extreme decrepitude, both bodily and I think intellectually, though he has much of the urbanity of manner for which he was celebrated. I am bound to say that the impression made on me by this interview was not very favourable, nor could I see that his visit to Tientsin was likely to produce any good result— my suspicion being that he had been sent here

simply

simply because he was reputed to have great influence with us and that his inclination was to restore himself to Imperial favour by exacting more than others. He is the first one who has said a word about ceremonial. He informed me that the Emperor's letter had arrived and asked me very pointedly how I proposed to receive it. On my replying that I should receive it respectfully as the letter of a Great Sovereign and exactly as I am had received the President's, he said that the President, however great, was but an earthly potentate while his Emperor had divine attributes; was the Son of Heaven, that they regarded him as Heaven and that he hoped I would receive his letter Kneeling— You can imagine my answer to this and the subject was at once dropped.

On the 10th I received letters from the Commissioners formally announcing the arrival of the Imperial Answer (Inclosures No 7 a 7 b 7 c)

On the evening of the same day, Count Poutiatine, the Russian Minister called on me with the information that the Imperial Commissioners had complained to him of the misconduct of one of the English subordinate officials who had

had used violent language to them, alarming them with threats, intruding his presence and in short, as it seemed to us, doing all he could, at a moment when great circumspection was needed, to irritate and alarm these helpless officials. Count Poutiatine had witnessed a portion of this scene himself. We entirely agreed that such conduct was calculated to put in jeopardy the common interests, and in the hope that it was entirely unauthorised by Lord Elgin. The same evening Count Poutiatine waited on Baron Gros and informed him of what he had seen and heard, who at once disavowed all knowledge of it. The demands attributed to these subordinates and the threats used were almost incredible and could only be accounted for, if authorised, by a new determination on the part of the English to trample on this defenceless people and seek a pretext for new hostilities. I was very loath to credit it.

On the next morning I received from their Excellencies the Commissioners an earnest and respectful letter (Inclosure N° 5 a 5 b) begging my interposition in this very matter. The letter was so courteous in its tone and so deferential to Lord Elgin that

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I had no reason to anticipate offence, and I sent it to him in the full confidence that he would do justice to the Chinese – if wrong had been done to them – and appreciate my motives in forwarding the letter. His reply (Inclosure 9a) was a painful surprise to me. It shows a captiousness utterly unsuited to His Lordships position. A sneer is never a graceful thing in a public paper, and I am surprised he condescended to a very small sarcasm indeed. I have tried to keep my public and private correspondence free from any of the stereotyped expressions of a jealousy of Great Britain (in which I do not at all share,) and certainly have had towards Lord Elgin personally the most friendly feeling. I was the more surprised at what I could not but regard as an uncalled for petulance on his part. My answer is appended (Inclosure No. 9b). Here the matter, which after all is of no great consequence, rests – and from it I draw the further inference – more important than these personal considerations, either that Lord Elgin had directed what I can only describe as the offensive conduct of his subordinates, or not having done so, he did not

choose

choose to admit to me the error they had committed. Count Poutiatine's letter (Inclosure No 10ᵉ. 10ᵉ 10ᵉ) satisfies me our interposition did some good.

On the 11th at noon I had my second interview with the Commissioners and received the Emperor's letter in the manner described in the minutes annexed (Inclosure N° 11ᵉ 11ᵉ 11ᵉ). Keying was present, but took little part. He has since communicated to me his appointment as Commissioner (Inclosure N° 12) and after doing so, suddenly left Tientsin and has it is said gone to the capital — The reason for this is not known or even conjectured

In order to furnish you with a translation, I was obliged to open the case containing the Emperor's letter. The letter itself I shall forward by the first suitable opportunity. The Chinese are not aware, nor ought they to be, that the contents are known to me. After its reception, Keying asked me if the day on which I received his August Master's letter was not the happiest ~~day~~ of my life, to which I replied that I was very glad to see this interchange of courtesies between our Chief Magistrates, but that I should be more happy when I signed a new treaty with China and put our affairs on a

satisfactory

satisfactory basis of permanent and thorough friendship – He then asked me if I was not delighted with the contents of the Imperial Mistive. My answer was that as this was a closed correspondence between two great Potentates, intended for their eye – it would not be becoming in me to express any opinion about it – but that if he would send me a copy I should very frankly tell him what I thought of it. He said he would, but yesterday I received a communication (Inclosure N°13) from the Imperial Commissioners informing me that the letter was too sacred to be copied. So it stands, and it is decidedly expedient that the Chinese should suppose that I ignore the contents of this peculiar document.

With this despatch I send the translation (Inclosure N°14.) and on it, I desire, to make a few remarks. At first blush, the tone of such a letter is offensive, for it seems intolerable that at this time of day, a sovereign who at the very moment I write holds his Capital and perhaps his throne at the will of the handful of "barbarians" who are here, should arrogate this magnificent superiority and claim for his dominion a central supremacy over all the nations of the world – and perhaps it needs

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a little apprenticeship of China for one to be able to smile at such pretensions. But that apprenticeship I am having; and seeing in all that is around me, in every act of these officials, in the obedient and superstitious loyalty of the people in these regions I have visited, proofs of the sincerity of their faith in the divine attributes of their sovereign, I am conscious of no irritation and am content – taking care to maintain in all outward acts the respect due to my Government and to myself – to smile rather than be angry and let them enjoy the delusion. I should be sorry to see it rudely broken and any Chinese rebellious substitute in its stead – and therefore it seems to me – and I am confident the good sense of the President and people of the United States will take the same view of it, that the tone of supremacy which this strange document arrogates is very innocent and that it may be received with the same indifference and with as little sense of disparagement as when years ago in the preamble of a treaty we recognised the Sultan" as commanding land and seas whose realm God might prosper until the end of ages, the support of Kings. The

Seal

Seal of Justice, the Emperor of Emperors. (Treaty with Tunis. March 1799.) — There are other matters connected with this letter that are not without interest. Separated, as I happen to be, from the archives of the Legation, I am unable to speak with entire exactness but my impression is that it is the first letter ever addressed by an Emperor of China to a President of the United States. Certainly it is the first direct communication which the present complications have extorted from Peking. It expresses the feeling which I suspect is becoming normal with the Chinese of detestation of the English and in a less degree of the French, and draws a distinction, (whether of any value or not I do not pretend to say,) between us and them. But what is more significant, it disavows all idea of classing us among the tributary nations who come to Peking to make willing obeisance; and the very reason given for hesitating to admit us to reside at Peking is one that implies consideration and respect — The only part of the letter which is practically offensive is that which recommends me to return to Canton and there resume my functions. I hope that no American Minister will ever reside

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at Canton permanently or at any place in the South of China or give any sign of acquiescence in the policy of the Chinese Government which according to this letter is yet to be insisted on, of keeping foreign Ministers in these remote parts of the Empire. I respectfully suggest that at a convenient time, either when my successor shall be accredited, or on the exchange of ratifications of any treaty I may be so fortunate as to negociate, the President should answer this letter of the Emperor and disavow all acquiescence in the idea it suggests of the continued transaction of foreign affairs at a distance from the Capital.

The Secretaries appointed to conduct preliminary discussions have been actively engaged for several days in considering the provisions of a new Treaty. They are advancing satisfactorily and I hope by this or the next mail to announce to you some result. The Russian treaty was signed on the 13th inst. Its exact provisions have not yet been made known but Count Poutiatine promises me a copy in a day or two.

I am, as you may well suppose, very anxious for the end of pending discussions, the

the tedium and perplexity of which are very great. There is too a liability at all times to their being interrupted by the action of the belligerents— Troops are expected daily from the South, and on the arrival of the full reinforcements I have no doubt, unless the Chinese yield, there will be the beginning of an elaborate campaign and a hostile march on Peking. To that I shall not give any countenance. I can hardly imagine any will be expected— Should the Chinese having made a treaty with any one nation, refuse to negociate with me or deny the United States an absolute equality of privilege with others, I shall promptly refer the matter to my own Government that they may take what measures of redress they please. In the mean time I shall persevere in a friendly and considerate course of policy towards them — treating their public men with the courtesy due to their position and studiously abstaining from all cause of conflict with the people. I believe this course will be approved by the President. I have the honor to be

Sir, Your obedient servant

William B. Reed.

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Dispatch 21. Enc. 1
June 15. 1858

Kweiliang, Cabinet Minister, Superintendent of the Board of Punishments, &c. with

Hwashana, President of the Board of Civil Office, Major General of the Bordered Blue Banner of the Army, &c., both of them Imperial Commissioners of the Ta Tsing Empire and invested with plenipotentiary powers to manage affairs, herewith send a communication.

We, having been honoured by the Commands to manage the affairs of the four nations, reached Tientsin on the 2d inst., and we now appoint the hour of 5—7 o'clock, A. M. on the 7th inst. for an interview with Your Excellency.

To His Excellency W. B. Reed,
Envoy Extraordinary and Minister Plenipotentiary
of the United States, to China.

June 3. 1858.

Dispatch 21 - Ex. 1st
June 15. 1858

Legation of the United States,
Tientsin, June 4. 1858.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States to China, begs to acknowledge their Excellencies' communication of the 3d inst. in which they announce their arrival and appoint a time for an interview, and will be happy to meet them on the 7th inst. at 6 o'clock, A. M. At this meeting the undersigned will be pleased to receive the reply of His Majesty to the letter of the President, sometime since transmitted through H. E. Tan, Governor-General of this province, and which was promised by that dignitary.

William B. Reed.

To Kweiliang and Hwashana,
Imperial Commissioners & Plenipotentiaries,
&c. &c. &c.

Dispatch 21. Enc. 2a
June 15. 1858

Tientsin, June 7. 1858.

Sir,

I beg to enclose for Your Excellency's information the copy of a memorandum drawn up by Messieurs Wade and Lay of what passed at an interview between the Chinese High Commissioners and myself, held on the 4th inst.

I have the honour to be,

Sir,

Your Excellency's

Most obedient, humble servant.

Elgin & Kincardine

His Excellency

The Hon. W. B. Reed,

&c &c &c

Dispatch 21. Enc. 2
June 15. 1858

Memorandum of an Interview held on the 4th of June, 1858, between H. E. the Earl of Elgin, K. T., and the Chinese Commissioners Kweiliang and Hwa-Sha-na.

After the usual compliments Kweiliang opened the conversation by saying that there had not been time to send a written answer to His Lordship's letter of this morning, but that the Commissioners could now communicate verbally with His Lordship upon the subject of its contents.

His Lordship remarked that it was matter of much regret to him that no acknowledgment whatever had been returned by the Chief Secretary of State, Yu, to the repeated communications which His Lordship had addressed to that functionary; the cards of Their Excellencies sent yesterday, had, however, upon them, characters, signifying that they had received plenipotentiary powers, and His Lordship had therefore not objected to come to the present interview.

Kweiliang stated that full powers, as we are in the habit of phrasing them, were not granted to Chinese, but that, to meet our wishes, the Emperor had inserted the word Plenipotentiary, as we render it, in the decree which constituted their instructions, and under which himself and his colleagues were empowered by the Emperor to accede to what was

practicable.

practicable.

Lord Elgin's full power was produced and shown to the Commissioners, and a translation of it was handed to them.

Having read this, Kweiliang immediately remarked that it was not the custom of his country to give any special document of the nature of His Lordship's full powers to any officers holding, as he and his colleagues did, a temporary appointment; that the Commissioners had no seal as Ministers Plenipotentiary, for the same reason: but they possessed a Decree from the Emperor appointing them to their present post, which was produced.

Lord Elgin having heard the sense of it said that he would take a copy of the Decree away with him, and would leave the translation of his full power with the Commissioners; but as their Excellencies were not in possession of a document similar to the power held by him, and as the powers conferred by the Decree just produced appeared limited as compared with his own, he must take time to consider whether it was sufficient to warrant his entering upon the discussion of the different questions, attention to which had been so often pressed upon the Imperial

Government

Government since the 11th of February last, with their Excellencies. He would now therefore take his leave, and they should hear from him again.

His Lordship rose immediately, and the Commissioners, after a few vain endeavours by words and gesture to retain him, accompanied him to his chair.

(Signed) Thomas Wade,
(Chinese Secretary.)

(. .) H. N. Lay,
(Assistant Chinese Sec^y.)

Dispatch 21 - Enc. 2
June 15. 1858

Legation of the United States,
Tientsin, June 8, 1858

My Lord

I beg to return my thanks for Your Excellency's communication of yesterday, with its inclosure, giving an account of the interview held on the 4th inst. with the Chinese Commissioners; and have the honor to inclose to your Excellency a memorandum of what took place at my interview with them on the 7th.

I have the honor to be,
My Lord,
Your Excellency's
Most Obedient Servant
William B. Reed

To His Excellency the Earl of Elgin & Kincardine
H. B. M. High Commissioner in China
&c &c &c

A similar note was also sent with copy of mem: to Bon Gros.

Dispatch 21. Exh. 2d
June 15. 1858

Mission Extraordinaire de France, en Chine.
Tientsin, le 7 Juin, 1858.

Monsieur le Ministre,

J'ai l'honneur d'informer Votre Excellence que j'ai eu, le 6 de ce mois, à 4 heures du soir, une entrevue avec les nouveaux Commissaires Impériaux, et je m'empresse de lui envoyer le résumé de ce qui s'est dit dans cette séance. Il lui fera connaître l'attitude que j'ai cru devoir prendre vis à vis des nouveaux Commissaires dont les pouvoirs ne sont pas identiques à ceux qui avaient été donnés à Ky-ing.

Votre Excellence verra que bien que ces pouvoirs ne me paraissent pas tout à fait satisfaisans, je les considérerai cependant comme valables, si j'acquiers la certitude que le Gouvernement de Pékin désire sincèrement résoudre à l'amiable les questions pendantes avec la France et que les Commissaires Impériaux ont déclaré connaître dans leur ensemble.

Je —

Son Excellence Monsieur W. B. Reed,
Envoyé Extraordinaire et Ministre Plénipotentiaire des
Etats Unis d'Amérique, en Chine, &c &c &c

Je saisis cette occasion, Monsieur le Ministre, pour vous renouveler l'assurance de la haute considération avec laquelle j'ai l'honneur d'être

De Votre Excellence,

le très humble et très obéissant serviteur

— Bon Gros.

Dispatch 21 - Exh. 2
June 15. 1858

(Copie.)

Procès verbal de la séance du 6 Juin. — Verification des pleins pouvoirs.

Tientsin, 6 Juin, 1858.

A l'arrivée du Plénipotentiaire de France dans l'édifice public où l'attendaient les Commissaires Impériaux et après les compliments et les politesses d'usage, le Plénipotentiaire de France auquel les Commissaires Impériaux avaient donné la 1re place, les a remerciés d'avoir bien voulu leur envoyer une copie de leurs pleins pouvoirs et il leur a annoncé alors qu'il allait placer sous leurs yeux les pouvoirs originaux signés de la main de l'Empereur, pouvoirs dont il allait leur remettre une traduction chinoise légalisée; ce qui a eu lieu immédiatement. Les Commissaires Impériaux de leur côté, ont présenté au Plénipotentiaire de France le décret du Grand Conseil rendu par ordre de l'Empereur, et à la suite de cette sorte d'échange des pleins pouvoirs le Plénipotentiaire de France a dit aux Commissaires Impériaux que bien que les pleins pouvoirs qu'ils avaient exhibés ne fussent pas tout à fait satisfaisants, il était cependant disposé à s'en contenter pourvu qu'il reçût, avant l'ouverture des négociations, des gages non équivoques de la sincérité du bon vouloir du Gouvernement Chinois à terminer sérieusement et à la satisfaction de la France les questions en litige. Le Baron Gros a dit ensuite que les Commissaires Impériaux avaient sans doute connaissance des demandes présentées par la France et dont les principales avaient été spécifiées dans les différentes dépêches addressées à S.E. Yu, Premier Ministre de l'Empire.

Les Commissaires Chinois ayant répondu d'une manière affirmative, le Plénipotentiaire de France a ajouté que les Commissaires Impériaux ne

devaient

devaient pas ignorer non plus qu'il avait mission de réclamer avant toutes choses du Gouvernement chinois la punition du magistrat du district de Si-Lin-hien, qui, en violation flagrante du traité solennellement conclu en 1844 entre la France et la Chine, et ratifié par l'Empereur Tao Kwang, avait fait mettre à mort le missionaire chrétien Auguste Chapdelaine, un apôtre de paix et de charité qui n'était venu en Chine que pour y enseigner la pratique du bien.

Le Secrétaire de la mission chinoise, Py-hen, a cherché alors à renouveler les justifications qui ont déja fait l'objet des dépêches du Vice Roy Ye: mais on lui a fait remarquer que cette assertion n'avait pas sa place ici, et qu'elle était plus spécialement du domaine de la discussion dans les conférences ultérieures. Py-hen a accepté cette interruption avec un tact intelligent et a terminé en appuyant sur le désir sincère qu'ont les Commissaires Impériaux d'en arriver à une solution satisfaisante et durable des affaires actuellement pendantes. Le Plénipotentiaire de France a répondu qu'il désirait bien vivement qu'il en fût ainsi et il a prié les Commissaires Impériaux d'être bien persuadés que la France n'avait sur la Chine aucune vue d'ambition, qu'elle voulait respecter son honneur comme son territoire, et qu'elle ne désirait que de voir la paix et la bonne harmonie se rétablir sur des bases durables entre les deux Empires.

Le Plénipotentiaire de France s'est levé alors et a pris congé des deux Commissaires Impériaux.

Pour copie conforme.

Bon Gros.

The General Council of State herewith confidentially communicates to Kweiliang, Imperial Commissioner and Cabinet Minister, and Hwashana, President of the Board of Civil Office, the following Decree, received on the 1st inst.

Tan Tingsiang and his colleagues having managed unskilfully the affairs connected with the things besought by the several nations, We now specially appoint Kweiliang and Hwashana to repair to Tientsin there to carefully deliberate upon them with a view to adjustment. But as the communications from [the ministers of] these countries intimate that they still entertain doubts as to the power of the Chinese Commissioners to act, let their officers fully explain everything to them. If their demands are consistent with reason, and they will really lay aside hostilities, our Commissioners may grant them whatever is not injurious to China, and they must not again entertain doubt and anxiety. Kweiliang and his colleague having been specially appointed by Ourself, it is highly necessary that they should, while maintaining the dignity of the Empire, quietly and closely mark the views of these men. Except those points which are repugnant to propriety and injurious to mutual interests, they may act in

all

all others as they see best, and these powers are given them for this emergency. Let them exert themselves, and enjoin this command upon them. This from the Emperor."

These commands are accordingly transmitted to you in this despatch.

Respectfully copied, on 7th June, 1858.

Dispatch 21. Enl. 4
June 25. 1858

Minutes of an Interview held on June 7th 1858. between their Excellencies W. B. Reed and the Chinese Commissioners Kweiliang and Hwashana.

The meeting was opened by the usual introductions and compliments between the parties. Mr. Reed then stated that he was prepared to express his wishes and views on the present state of the relations between the Governments of the United States and China; but he first wished to see the credentials of the Chinese Commissioners, and if they were satisfactory he was desirous to continue the negotiations which had been broken off at Taku, on the 19th ult. Kweiliang then took the decree received from the General Council out of a box lying near him, and showed it as the credentials of him and his colleague, at the same time handing a copy to Mr. Reed, who then gave him a translation of his own full powers.

The circumstances and objects of this visit of the American Minister to Tientsin were then briefly explained. They were peaceful, and his Government had no desire to treat China harshly; while the Constitution of his country absolutely forbade the acquisition of territory for colonial settlement abroad; so that even if disposed to

acquire

acquire colonies, which it is not. they could not be taken. Moreover, the United States would view with great regret the occupation of more Chinese territory by any European power. He had the most positive assurances, in which entire confidence may be reposed, that no such occupation is now contemplated by any of the Powers; but he warned the Commissioners that such a resolution may be changed by the exigencies of war, and implored them to exert their influence to bring about a speedy pacification. It can only be done by concession. It may have been that his power of mediation or exerting his good offices hitherto had been overestimated by the Chinese; but whatever they were, they were now exhausted, and they must not be deluded by reliance on such mediation. Here, and also subsequently, the Commissioners expressed the wish that the American Minister would still remain.

Mr. Reed then proceeded to refer to his arrival in China, &c., the letters he had sent to the Prime Minister Yu, (to none of which had he received an answer, and his determination not to return to Canton or its neighborhood, or ever to permit the Legation to be permanently established in the South of China. He had come to the mouth of the Peiho, and regretted that his endeavours to persuade the Imperial Commissioner, Tan, to yield to the reasonable demands of the

allies

allies had been unavailing. He added, in conclusion, that he had brought with him the draft of a treaty, which he wished to present and discuss with them, and would do so either directly or through the intervention of agents of equal rank, who should continue their discussions from day to day; the first meeting to be held to-morrow.

The Commissioners listened to these remarks with great attention; both of them occasionally expressing their assent. With respect to the last proposal, Kweiliang preferred to have details discussed by subordinates, who should meet daily till they had done. Mr. Reed appointed Mr. Williams, and Kweiliang named Chang, an officer of rank then present, and a meeting was agreed to be held to-morrow; the Envoys of both countries to hold a second interview on Friday, the 11th inst.

On being asked at what place these business meetings should be held, Kweiliang replied that, while at Peking he had a choice of public buildings, here, owing to confusion and alarms, there was no place that could be obtained which

was

was so eligible as the one they were now in.

The interview closed with some conversation about the reply to the Presidents letter, which Kweiliang assured Mr. Reed should be sent, though he was unable to say positively when, as that matter was still under the direction of the Governor General. The draft of the treaty was then handed to the Commissioners, and the meeting closed with entire courtesy.

Note. June 8. A communication has been received from Tau, containing a copy of an Imperial decree, stating that an answer to the Presidents letter is on its way.

Dispatch N°: 21. Ex. 5
June 25. 1858

Tan, a high officer of the Ta Tsing Empire, and Governor General of the province of Chihli, herewith communicates on business:

I have already acknowledged the having a despatch of Your Excellency, in which you stated your wish to receive the reply to the President's letter, and enclosed the same in a memorial requesting directions. I have now to state that I was honoured on the 8th inst. with an Imperial command to the following effect: "An answer is already prepared and erelong will be forwarded to Tientsin, where it can be delivered, as shall be found convenient. This from the Emperor." I have accordingly respectfully copied the above for the purpose, as I now do, of communicating it to Your Excellency.

To His Excellency W. B. Reed,
Envoy Extraordinary and Minister
Plenipotentiary, U. S. A.

June 7th. 1858.

Ki-ying, of the Imperial House and an honorary Vice-President herewith communicates on business:

I, Ki-ying, an honorary Vice-President, having been appointed by the command of His Majesty to manage the affairs of all the nations, have arrived at this place, and will wait on you in one or two days, when I shall have the pleasure of wishing you the greatest happiness; and for this purpose previously send this communication.

To H. E. William B. Reed,
Envoy Extraordinary & Minister Plenipotentiary of
the United States, in China.

June 9, 1858.

Kweiliang and Hwashana, Imperial Commissioners of the Ta-Tsing Dynasty, invested with plenipotentiary powers, &c. &c., herewith communicate on business.

The deputies of our two nations held a consultation yesterday at the Hai-kwang temple upon the several articles of the treaty. Those whom we sent reported to us that we also should to-day take up its several stipulations and carefully examine and decide upon them successively in order to their equitable and secure arrangement, that thereby the future relations of our two nations may be settled in a friendly and harmonious manner.

We therefore reques, that the 31st article, which is wanting in this draft may now be sent to us to be examined; and we further beg your Excellency to allow the same deputies to meet again to-morrow, at the same place, at two o'clock, P.M., for the purpose of consulting together to provisionally arrange and settle the articles. We deem it proper to mention that there are two articles in this draft numbered Seven.

To His Excellency W. B. Reed,
Envoy Extraordinary, &c of U. S. A. to China.
June 9th, 1858.

Dispatch 21. Enc 7
June 15. 1858

Kweiliang and Hwashana, Imperial Commissioners of the Ta Tsing Dynasty, invested with Plenipotentiary powers, &c &c &c herewith communicate on business.

We have already acknowledged Your Excellency's communication respecting the receipt of the sealed reply to the Presidents letter, to which we have yet had no answer, though the messenger requested to be favoured with one. The reply having now been received, we now appoint noon of the 11th inst. as before agreed on, and request your Excellency to come to the Hai Kwang temple to meet us, where we will then personally deliver it to you.

The deputies appointed by each party have had a meeting for consultation to-day, on the treaty, and we again request, that after the Emperor's letter has been delivered the consultations can be resumed.

To His Excellency W. B. Reed.
Envoy Extraordinary and Minister Plenipotentiary
of the United States, in China.

June 10th. 1858.

Dispatch 21. Enc. 7°
June 15. 1858

Legation of the United States.

Tientsin, June 11th. 1858.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States to China, begs to acknowledge the three notes received from Their Excellencies, which he has fully examined.

That which you remark respecting the arrival of the Emperor's reply at Tientsin, and that you will deliver it to-day, at noon, at the Hai-Kwang temple, after which consultations can be resumed, is fully understood, and at the appointed hour I will be at the place to receive it, and then deliberate further upon the treaty, or else depute that to our agents.

With regard to the ceremony of receiving the reply, it may be according to that observed when the President's letter was received by the Governor General, Tan, which will then be in conformity with the stipulation that there shall be the same etiquette observed by each party.

To Their Excellencies Kweiliang and Hwashana,

&c., &c., &c.

June 11th. 1858.

Dispatch 21. Eph. 8th
June 25. 1858

Kweiliang and Hwashana, Imperial Commissioners of the Ta Tsing Dynasty, invested with Plenipotentiary Powers &c &c with Kiying, an honorary Vice President, herewith communicate on business.

We had requested the English high Commissioner to appoint one of his Interpreters, and he had accordingly sent Mr Lay to deliberate with us on the articles of the treaty; and during the successive days of the consultation, most of them had been examined and their general terms arranged. Owing to our proper seal not having yet ~~arrived~~ been received from Court, Mr Lay on the 9th inst allowed four or five days in which to write it out for delivery; but yesterday he suddenly came, urging us, the high Commissioners, to order our clerks to have the business instantly attended to and settled. The public affairs of the nations here are so perplexing and numerous that the writing was not then finished; but Mr Lay presently began to speak very improperly and boisterously. We were much grieved and displeased at such conduct; for we reflected that China and England have treated each other courteously, and the latter country is a kingdom where justice and propriety are regarded.

It not being very suitable for us to inform

the

the English Plenipotentiary of this rude conduct of his deputy, we therefore trouble their Excellencies, the Russian and American Plenipotentiaries to express to him our feelings on this subject, in order to exhibit the respectful regards we have for a friendly nation, and that we have never had a thought of treating it contemptuously.

To His Excellency W. B. Reed
Envoy Extraordinary &c U. S. to China

June 11. 1858.

Dispatch 21. Exh. 8
June 25. 1858

Legation of the United States
Tientsin. June 11th. 1858

My Lord,

I beg to inclose for Your Excellency's consideration the translation of a letter received by me this morning from the Chinese Imperial Commissioners and Keying. It is so proper and respectful in its tone both to Your Excellency and to me that I do not hesitate to communicate it to you and to express the earnest hope that if the statement of facts be true to any extent, measures may be taken to correct what cannot but be detrimental to the course of peaceful and harmonious negociation which we are trying to initiate.

I have the honour to be
My Lord,
Your Excellency's
most obedient, humble servant
William B. Reed

His Excellency
The Earl of Elgin & Kincardine
H. B. M. High Commissioner
&c &c &c



Dispatch #1 - Ex. 9
June 15. 1858

Tientsin, June 11th, 1858.

Sir.

I have had the honour to receive your Excellency's letter of this day's date, covering the translation of a communication which you have received from the Imperial Commissioners Kweiliang and Hwashana.

From that document Your Excellency will have learnt that Mr. Lay visited the Imperial Commissioners at their own request. That request was conveyed in a letter from them to me. If they thought that they had reason to complain of Mr. Lay, they would therefore have done well to address me directly on the subject.

Nevertheless, in deference to Your Excellency's wish, and in consideration of the interest which you must necessarily feel in the progress of a negotiation of which, as you inform me, you propose, under the most favoured clause, to claim the advantages for your countrymen, I have carefully inquired into the language held by Mr. Lay to the Imperial

His Excellency
The Hon'ble Mr. Reed,
&c &c &c

Imperial Commissioners, on the occasion referred to.

I find that that language was entirely conformable to the Instructions which he has received from me for his guidance. I have therefore thought it proper to direct Mr. Wade to wait on the Imperial Commissioners and to acquaint them that for the language in question they must hold me, and not Mr. Lay, responsible.

I have the honour to be,

Sir,

Your Excellency's

Obedient humble servant.

Elgin & Kincardine.

Dispatch 21. Ex. 9
June 15. 1858

Legation of the United States
Tientsin. June 12th. 1858.

My Lord,

I have received Your Excellency's note of the 11th inst; in which you inform me of the course you have thought fit to pursue, in deference to my wish and in consideration of the interest which, according to Your Excellency's view, I must necessarily feel in the progress of a negociation of which I propose under the most favored clause to claim the advantages for my countrymen. Your Excellency's reminding me of this motive, is, I beg to assure you, duly appreciated.

I have the honour to be
My Lord,
Your Excellency's
obedient, humble servant
William B. Reed

His Excellency
The Earl of Elgin & Kincardine
H. B. M. High Commissioner
&c &c &c

Dispatch 21. Ex 10e
June 15. 1858

Legation of the United States,
Tientsin, June 11th, 1858.

Monsieur le Comte,

I have the honour to enclose to you the translation of a communication I have received this morning from the Imperial Commissioners, and of a letter which I have thought it my duty to address to His Excellency Lord Elgin on the subject to which it relates. The entire concurrence of opinion between us as to the importance of friendly relations being maintained with the Chinese authorities induces me to believe that the course which I have taken will meet with your Excellency's approval.

I have the honour to be,
Monsieur le Comte,
Your Excellency's
most obedient servant.
William B. Reed.

To His Excellency
Monsieur le Comte Poutiatine,
Imperial Commissioner,
&c &c &c

Dispatch 21. Exh. 10
June 15. 1858

Legation of the United States,

Tientsin, June 14. 1858.

Monsieur le Comte,

I think it best to place in your hands the copy of a correspondence which within the past few days has passed between Lord Elgin and myself. If I am not mistaken a letter similar to the one I forwarded on the 11th inst. to His Lordship was received by you, and made the subject of a conversation between His Excellency Baron Gros and yourself.

I have the honour to be,

Monsieur le Comte,

Your Excellency's

Most obedient Servant.

William B. Reed.

To His Excellency

Monsieur le Comte Poutiatine,

Imperial Commissioner,

&c &c &c

Dispatch 21. Encl. 1[a]
June 15. 1858

Tientsin, June 15, 1858.

Sir,

I had the honour to receive Your Excellency's note of the 14[th] instant with the copy of the correspondence which passed between you and Lord Elgin. Our intercourse is so frequent and is carried in such a friendly and unreserved way, that I did not deem it necessary to apprize you officially of the receipt of a letter of the same tenour as yours, addressed to me by the Chinese Commissioners. I handed it to Baron Gros, requesting him to use his influence with Lord Elgin to put a stop to the rude proceedings of the English interpreter Mr. Lay. As I was myself witness of the great fright and humiliation to which the High Commissioners were exposed by those acts, during an interview I had with them, though I was not an ocular spectator of what passed in another room where they alternately went to see Mr. Lay, I have no hesitation to believe true what was stated in the letters addressed by the Commissioners to us. I feel no doubt that your communication to Lord

His Excellency
The Hon.[ble] W. B. Reed,
&c &c &c.

Lord Elgin on this subject, as my indirect interposition had the result to alter the course pursued by the English Embassy, and I am only at Lord Elgin's taking offence of Your Excellency's communication to him.

With assurances of high consideration and esteem,

I have the honour to be

Your Excellency's

most humble servant

C. Pouliatine.

Dispatch 21. Exh. 11a
June 15. 1858

Memorandum of an interview between their Excellencies, Mr Reed and Kweiliang, Hwashana and Kiying, held at the Hai-Kwang temple June 11. 1858 at noon.

On reaching the entrance of the Reception hall, Mr Reed was met by the Chinese Plenipotentiaries, who pointed out to him a table screened by a yellow apron on which the reply of the Emperor to the President's letter was resting on a frame and inclosed in a cylinder ornamented with dragons. Kweiliang asked with what ceremony he would receive the letter and when told with the same respect that Tsan had received the President's requested him to place both his hands on it, which when done in token of reception, the letter was handed to Young Mr Reed.

On taking their seats, Mr Reed requested to see the powers of Kiying as plenipotentiary, if he was present in that capacity, for otherwise he could not be recognised; and a copy of the edict appointing him was promised to be sent after the interview. Reference was made to the progress of the negociations upon the project of a treaty and the arrangement was continued of discussing it by deputies until every point should be arranged. They were expecting to receive a special seal as plenipotentiaries. They should be glad to have Mr Reed remain at Tientsin.

Mr Reed urged the Commissioners to avoid further hostilities by concessions to the Allies and to do it soon,

both

both the Russian Plenipotentiary and himself were the friends of both and earnestly desirous that there should be no further collision. Kweiliang expressed his thanks for the interest taken in these affairs, and said that a communication had to day been sent to the English and French Ministers respecting their demands. Mr Reed referred to the letter he had received from them in the morning and stated that he had sent the same to Lord Elgin. In future it would better compat with their own position and the honour due to Lord ~~Elgin~~ himself as well as the other foreign Ministers here, for them to decline seeing subordinates. Kwashana assented to this view of the case, and they all consented to that plan as the most proper for all parties.

They said the seals would come within three or five days, for a special seal had to be made for them. The Deputies can settle all the points this afternoon probably. Chang and Pien can like Mr Williams speak with authority on points of treaty.

Mr Reed again urged them to hasten the seals and settle with the English and French. If his own Treaty was signed, he should still remain at Tientsin, for so long as there was peace, his duty and his wish was that all the Western Powers should co-operate as thus far they had done.

The rest of the interview, which was brief, was devoted to complimentary ceremonial of no moment.

Note. The copy of the decree appointing Keiying a ——— plenipotentiary has to day, June 12th, been sent to Mr Read, as well as information that the official seals have been ——— received from the Capital.

Dispatch 21. Eyh. No
June 15. 1858

Legation of the United States
Tientsin. June 11th. 1858

My Lord,

I have the honour to send you the Memoranda of my second interview with the Imperial Commissioners.

I am to have another interview on Wednesday next at 11 o'clock

I have the honour to be
My Lord,
Your Excellency's
obedient, humble servant
William B. Reed

To His Excellency
The Earl of Elgin & Kincardine
H. B. M. High Commissioner
&c &c &c

(Similar note sent to Baron Gros)

Desp. 21. Ey. 11e
June 15. 1858

Tientsin, June 14. 1858.

Sir,

I have the honour to acknowledge the receipt of Your Excellency's letter of the 12th inst., enclosing the memorandum of your second interview with the Imperial Commissioners.

I have the honour to be,
Sir,
Your Excellency's
most obedient,
humble servant,
Elgin & Kincardine.

His Excellency
The Honble W. B. Reed,
&c &c &c.

Dispatch 21. Exp 11th
June 15. 1858

Mission Extraordinaire de France en Chine,
Tien-Tsin, le 12 Juin, 1858.

Monsieur le Ministre,

Je viens de recevoir la communication que Votre Excellence m'a fait l'honneur de m'addresser pour m'envoyer le compte rendu de l'entrevue qu'elle a eue le 11 de ce mois avec les Commissaires Impériaux.

Je remercie Votre Excellence d'avoir bien voulu me faire cet envoi; mais je dois lui dire, seulement, que la communication que les Plénipotentiaires Chinois lui annoncent m'avoir adressée au sujet des demandes de la France, ne m'est pas parvenue.

J'ai l'honneur d'être,
Monsieur le Ministre,
de Votre Excellence,
le très humble et très
obeissant serviteur.

Bon Gros.

A Son Excellence Monsieur W. B. Reed,
Envoyé Extraordinaire et Ministre Plénipotentiaire des
Etats Unis d'Amérique en Chine, &c &c &c

Dispatch 21 - Exh. 12
June 15. 1858

Ki-ying, Imperial Commissioner of the Ta Tsing Empire, invested with Plenipotentiary powers, and an Honorary Vice President, herewith communicates on business:

The Imperial commands have this day been received here, specially conferring on me joint plenipotentiary powers to act with Kweiliang and Hwashana.

To His Excellency W. B. Reed,
Envoy Extraordinary and Minister Plenipotentiary
of the United States to China.

June 11th 1858.

Dispatch 21. Ex. 12
June 15. 1858

Kweiliang, Hwashana and Kiying, Imperial Commissioners of the Ta Tsing Empire, invested with Plenipotentiary Powers &c &c herewith communicate on business.

We were honored on the 11th inst: with the Imperial Commands that the honorary Vice-President Kiying should exercise the functions of Plenipotentiary, and we have respectfully copied the same, which we now send your Excellency, that you may examine the same and place it on file.

"On the 10th inst. we were honored by His Majesty's Commands appointing Kiying joint and equal Plenipotentiary with Kweiliang and Hwashana, and the same day the proper Seal was issued for them to use. This from the Emperor."

To His Excellency W. B. Reed
Envoy Extraordinary and Minister Plenipotentiary
of the United States to China.

June 12th 1858

Kweiliang, Hwashana and Keying Imperial Commissioners of the Ta Tsing Empire and plenipotentiaries, &c., &c, herewith reply on business

We have Your Excellency's communication of the 12th inst, in which you acknowledge having personally received the Imperial letter which you will preserve with care. As that reply was sealed up, we ourselves did not dare to open it and therefore are unable to furnish you with a copy. We expect that the deputies we have appointed will meet for consultation at 10 A. M. on Monday the 14th and that we ourselves can also have an interview at 11 A. M. on the 16th inst, when the treaty will be prepared and can be agreed to. The seal for our commission has been issued and received by us, so that we can apply it.

To His Excellency W. B. Reed
Envoy Extraordinary and Minister Plenipotentiary
of the United States in China.
June 13th. 1858.

I, the August Emperor, wish health to the President of the United States of America

Having received with profound respect the commands of Heaven to sway with tender care the entire circuit of all lands, we regard the people everywhere within and without the wide seas with the same humane benevolence. Since the intercourse between us and them was settled by treaties more than ten years ago, nothing had occurred to disturb the peace, until the English and French, last year, disregarding their treaty obligations, violated their obedience at Canton; but the Ministers of the United States carefully observed the obligations of the treaty and gave them no aid. We were much pleased and delighted at their conduct.

The Minister of the United States has now handed up the letter under reply, on opening which the expressions of respectful request still further manifest the same friendly feeling and cordial sentiments. In it you desire that the Ministers of the United States

may

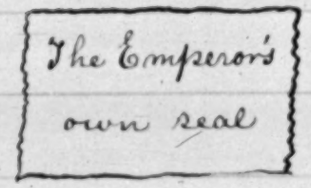
may reside (i.e. as distinguished from "visit" or "sojourn") near our Court, but there are many things connected with such an arrangement which cannot be effected without difficulty. Hitherto the foreign Envoys who have repaired to Peking have all come from those Kingdoms which bring tribute, but the United-States is numbered among friendly (i.e. not tributary) nations; and if, on the arrival at Court of her Envoy, there should unluckily be any defection untoward thing happen (about ceremonies) it might, we apprehend seriously injure the present peaceful relations between our countries.

Moreover the Middle-Kingdom has no Ministers of her own residing in other Kingdoms, and an arrangement of this kind should be mutual:

The Minister of the United-States is now at Tientsin, where he is negotiating with our high Officers, and their intercourse has been mutually agreeable. As soon as their deliberations are concluded, he should return to Canton to attend to the commercial duties of his office as usual. This will tend to secure

and

perpetuate the present friendly feelings between our countries; and we think, you, the President himself will be highly pleased with such an arrangement



Hienfung. 8th year, 4th month, 26th day. (June 7th 1858)

Translated by S. Wells Williams

Sept 18 — Re 18. State. Mr Derrick

Official No 22.

Legation of the United States
June 18th. 1858

Sir,

I have great pleasure in informing you that I have to day signed a Treaty and Convention with the Chinese Imperial Commissioners. The departure of the mail boat within a few hours compels me to limit this despatch to the mere announciation of the fact. I shall send the Treaty by the next mail steamer.

I have the honour to be
Sir,
Your Obedient Servant
William B. Reed

To The Honourable Lewis Cass
Secretary of State
Washington.

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Mr Seward

Left by Mr Bradley

Synopsis of British Treaty of Tien-tsin, June 26. 1858.

I. Confirms the Treaty of Peace at Nanking, and abrogates the Supplementary Treaty and General Regulations.

II. Provides for the optional appointment of Chinese and British Ministers at the Courts of Peking and St. James.

III. Ministers to be permitted to reside either permanently or occasionally at Peking, at the option of the British Government. — disallows the observance of derogatory ceremonies [i.e. the ko-tau] by the Minister to the Emperor, and enjoins the use of the same forms of respect as are employed by Embassadors at European Courts: — grants the privilege of building or renting houses at Peking for the Embassy, and protects the persons of the Minister, his suite and servants, from insult and injury, on pain of severe punishment of the offending party.

IV. Provide for the unrestricted travelling, postal, and other arrangements of the Minister and his suite, and for the inviolability of his letters and effects.

V. The Minister to transact business with a principal Secretary of State, on a footing of equality.

VI. Accords the same privilege to a Chinese Minister at London, as is enjoyed by the British Minister at Peking, under Article V.

VII. Provides for residence of Consuls, Vice-Consuls, and Interpreters, and establishes their official rank and equality with certain Chinese officers.

VIII. Tolerates both Protestant and Roman-Catholic Christianity throughout the Empire, and protects its professors from persecution. [Same as Art. XXIX in U.S. Treaty.]

IX. British subjects to be allowed to travel, either for pleasure or for trade, ~~into~~ the coast, and into all parts of the interior of the Empire, by being provided with passports signed by the Consuls and countersigned by the

local authorities. No passport to be required by persons going on excursions from the ports open to trade, for a distance not exceeding 100 Li, [about 33 miles English,] and for a period not exceeding five days. These provisions not to apply to crews of ships, for restraining whom other regulations are to be made by the Consuls and local authorities. — No passports to be given to British subjects to go to Nanking or other cities disturbed by persons in arms against the Imperial Government, until they shall have been recaptured.

X. British merchants to be allowed to trade on the Great River, [the Yang-tsz'-kiang]: — the city of Chin-kiang-fu, situated thereon, [about 40 miles below Nanking,] to be opened for trade one year from the date of this Treaty. Whenever the ports lying on the said river shall have been recovered from the Rebels, then British vessels may also be admitted to trade at such ports (not exceeding three in number) as far as Han-kau; and the said ports at which trade is so permitted are to be selected by the British Minister and the Chinese Secretary of State.

XI. The ports of Niu-chwang, (in Manchuria,) Tang-chau, (in Gulf of Pechili,) Tai-wan, (in Is^d of Formosa,) Swatau, (the port of the city of Chau-chau, in Province of Kwang-tung,) and Kiung-chau, (in Is^d of Hainan,) are to be opened in addition to the present open ports Shanghai, Ningpo, Fuhchau, Amoy, and Canton.

XII. Provides for obtaining sites for buildings, cemeteries, &c., on equitable terms.

XIII. Permits the employment of Chinese subjects, without restriction, in any lawful capacity.

XIV. Permits British subjects to hire boats for transport of goods or passengers. —

XV. All questions in regard to rights, whether of property or of person, arising between British subjects, shall be subject to the jurisdiction of the British authorities.

XVI. Provides that subjects of either of the high contracting powers, charged with crime against subjects of the other shall be equitably tried, — and if found guilty that they shall be be punished by the officers of the Government to which they respectively belong.

XVII. In case of complaint brought by British subjects against the Chinese, or vice versa, the Consul shall examine the same and endeavour to settle it amicably. If he fail to do so he shall hear and decide the same ~~and sentence~~ with the assistance of the of the proper Chinese local authority.

XVIII. Guarantees protection to person and property of British subjects.

XIX. The Chinese Government to use its best endeavours to recover and restore property taken by pirates from British merchant-ships.

XX. Provides for the relief and security of vessels wrecked, stranded, or putting into port in distress.

XXI. Guarantees the extradition of Chinese offenders seeking refuge at Hongkong or in the houses or vessels of British subjects.

XXII. Chinese authorities to endeavour to arrest absconding Chinese debtors to British subjects, and to enforce payment of the debts. In like manner the British authorities engage to under the same justice to Chinese creditors by the arrest of British debtors.

XXIII. Recovery of debts from Chinese traders resident at Hongkong to be arranged for by the British Courts of that Colony: but if such debtors abscond, and be known to have property real or personal within Chinese territory, then the Chinese authorities shall do their utmost to secure justice in the premises.

XXIV. The duties prescribed by the tariff on all merchandize imported or exported by British merchants are to be paid; but in no case are they to pay other or higher duties than are paid by the subjects of any other foreign nation.

XXV. Import duties to be paid on the landing of the goods, and duties of export on the shipment of the same.

XXVI. Tariff to be revised by a commission for that purpose, who shall meet at Shanghai and determine the same prior to the ratification of the Treaty.

XXVII. Either of the high contracting parties may demand a revision of the tariff at the end of every ten years. If neither party so demand it within six months of the termination of said period, then the rates to be continued for another like decennial term.

XXVIII. An official declaration of the amount of transit-duties leviable at inland Custom-houses,

houses shall be published in English and Chinese within four months from the signing of this Treaty, at all the open ports, and within a similar time at all the ports that may hereafter be opened. The British merchant is, however, to be allowed, if he choose, to commute the transit duties at two and one-half per centum, (2½ p°) ad valorem rate. Payment of transit duties not to affect those of the tariff, which shall continue to be levied separately and in full.

XXIX. Settles tonnage-dues at four mace per ton, if the vessel be over 150 tons burthen, and one mace per ton if of 150 tons or under. A vessel clearing from any of the open ports of China for any other of the open ports, or for Hongkong, shall be entitled, upon application of the master, to a special certificate from the Customs, on exhibition of which she shall be exempted from payment of all further tonnage-dues in any open port of China, for a period of four months, to be reckoned from the date of her port-clearance.

XXX. The master of a British vessel to be allowed forty-eight hours after arrival in which to decide to depart without breaking bulk; and in case of his so departing he shall not be subject to the payment of tonnage-dues.

XXXI. No tonnage-dues to be paid on boats employed in conveying passengers, baggage, letters, and articles not subject to duty, between any of the open ports. Cargo-boats conveying merchandize subject to duty shall pay tonnage-dues once in six months, at the rate of four mace per registered ton.

XXXII. Collectors of Customs at the open ports to consult with the Consuls concerning the erection of beacons or light-houses, and where buoys and light-ships should be placed.

XXXIII. Duties to be paid to the bankers authorized by the Chinese Government to receive the same, either in Sycee, or in foreign money, according to the assay made at Canton, 13th July, 1843.

XXXIV. Chinese standard weights and measures to be supplied to each Consulate by the Chinese Government.

XXXV. Permits merchant-vessels to engage services of pilots to bring them in or take them out.

XXXVI. Permits Custom-house officers to keep guard on board merchant vessels.

XXXVII. Ship's papers, bills of lading, &c. to be put into the Consul's hands within twenty-four hours after arrival: within a further period of twenty-four hours the Consul must

must report to the Superintendant of Customs the name of the ship, her register tonnage, and the nature of her cargo. If the master neglect for forty-eight hours after arrival to furnish the Consul with the papers herein required, he will be subject to a fine of fifty taels for every day's delay; the total amount of penalty, however, not to exceed two hundred taels. Master responsible for the correctness of the manifest, and for presenting a false manifest he shall be subject to a fine of five hundred taels. He may, however, be allowed to correct, within twenty-four hours after delivery to the Custom-house officers any mistake in his manifest without incurring this penalty.

XXXVIII. Superintendant of Customs to grant permit to open hatches, on receiving the Consul's report in due form. If hatches be opened and goods discharged without such permission, the master shall be fined five hundred taels, and the goods so discharged shall be confiscated.

XXXIX. Merchants desiring to land or to ship cargo are to apply to the Superintendant of Customs for a permit; without which, said cargo so landed or shipped will be liable to confiscation.

XL. Transhipment from one vessel to another not to be made without special permission; under penalty of the confiscation of the goods so transhipped.

XLI. Superintendant of Customs to give a port-clearance, upon payment of all dues and duties, and the Consul then to return the ship's papers.

XLII. Provides for the mode of settling the value of articles subject, according to the tariff, to an *ad valorem* duty.

XLIII. Provides that the tare shall be deducted, and the duties charged on the net weight, — and prescribes the mode of settling disputes questions thereon.

XLIV. Provides for a fair reduction of duty on all damaged goods.

XLV. Provides for the reëxportation of goods to other Chinese ports without additional payment of duties, and for drawback certificates on duty-paid imports, when the goods are shipped to a foreign port: Allows reëxportation of foreign grain, if no part thereof has been landed. Penalty for fraud, forfeiture and confiscation of goods.

Separate Article.

It is hereby agreed, that a sum of two millions of taels, on account of the losses sustained by British subjects through the mismanagement of the Chinese authorities at Canton, and a further sum of two millions of taels on account of the military expenses of the expedition which Her Majesty the Queen has been compelled to send out for obtaining redress, shall be paid to Her Majesty's Representative in China by the authorities of the Kwang-tung Province: arrangements in respect to the time and mode of which shall be made by said Representative, in concert with the Chinese authorities of Kwang-tung.

When the above amounts shall have been discharged in full the British forces will be withdrawn from the city of Canton.

XLVI. Chinese authorities at each port shall adopt the means they may judge most proper to prevent smuggling or other fraud on the revenue.

XLVII. Merchant vessels not allowed to resort to other than the ports of trade declared open by this Treaty. They are not unlawfully to enter other ports in China, or carry on a clandestine trade along the coasts thereof: penalty for which is liability of confiscation of vessel and cargo to the Chinese Government.

XLVIII. Provides penalty for smuggling: viz. confiscation of goods by the Chinese authorities and prohibition of the vessel from further trade in China.

XLIX. Provides that all penalties enforced and confiscations made under this Treaty shall belong and be appropriated to the public service of the Chinese Government.

L. Official correspondence to be for the future conducted in the English language on the part of the English authorities, (to be accompanied by a Chinese version for the present,) and is to be considered as the text: And in cases of doubt as to the proper meaning of the Treaty, the English version of the text is to prevail.

LI. The character 夷, [pronounced E,] "Barbarian", shall not hereafter be applied to the Government or Subjects of H.B.M. in any Chinese official document, issued either at the Capital or in the provinces.

LII. British Ships-of-war, coming with no hostile purpose, or engaged in pursuing pirates, may visit all ports in the Empire, and shall receive every facility for procuring wood, water, provisions, &c., and making repairs, &c. The Commanders of such Ships to hold intercourse on terms of equality and courtesy with the local authorities.

LIII. Provides for Concerting measures between the contracting parties for the suppression of piracy.

LIV. Confers on Great Britain the privileges which are now or may hereafter be granted to any other nation, by China.

LV. Conditions affecting the Canton indemnity question, &c. to be embodied in a separate article.

LVI. Provides for Exchange of Ratifications, at Peking, within one year.

Rec'd 11. Octr. Mr Lewis

Official
No. 23.

Legation of the United States
Tien-tsin June 30th 1858.

Sir,

I have the honour to forward to you, in charge of Mr. C. W. Bradley, whom I have appointed Special bearer of dispatches, the Treaty, which, on the 18th instant, I signed with their Excellencies the Chinese Imperial Commissioners in the neighbourhood of this city, and the original letter from His Majesty The Emperor of China to The President. The Treaty was executed in quadruplicate, in Chinese and English. I send one in English sealed; and a Chinese copy, according to the usage here, signed but unsealed. I retain for another opportunity, or for preservation here, an original of which the Chinese is sealed, and the English is unsealed. It may be well to retain this permanently in China; in order to its exhibition hereafter in case of difficulty here, especially now when the original treaty is to be deposited

Mr. C. W. Bradley takes the treaty

Hon: Lewis Cass
Secretary of State
Washington

deposited at the Capital.

Referring you throughout to the correspondence with the Imperial Commissioners since the date of my dispatch (N° 21) and which is annexed, (Inclosures 1ª ..... k) I proceed to explain the course of my negociations, and the various difficulties which have presented themselves and been surmounted.

Means of Success

It is a matter of simple justice to say in the outset that the success which has ensued, is due in great measure to the coercion which the Allied Powers of Great Britain and France have deemed it their duty to apply. But for the appearance of force at the mouth of the Peiho and for its application in the reduction of the Takú forts, there can be no question that the concessions of the Chinese government would have been much less. The loss of Canton, like every thing else on the extremities of this empire, produced little effect, for it was only when danger and pressure were near at hand that the Imperial authorities seemed to feel the necessity of yielding. In saying this I must not be understood as retracting the opinions expressed in my former dispatches that the hostilities at the mouth of the River might have been delayed if not averted, and negociations begun there, and whether in this speculation I am right or wrong, I am confident that the efforts which, in conjunction

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with his excellency the Russian Minister, I made in good faith to induce the Chinese to yield the preliminary points of dispute and to prevent bloodshed, aside from the agreeable consciousness which an honest effort at pacification gives, have had the effect of strengthening the friendly feeling the Chinese have towards the United States.

While I acknowledge that we are indebted to the action of the belligerents for much that we have attained, it is my duty to say that the concert of those who are using and can threaten force and those who do not and cannot, is very embarassing, and I desire it to be clearly understood that the negociations here have been as distinct from each other - I mean those of the United States from England and France - as if their representatives had been separated by a wide distance. There has been between Baron Gros, and myself some slight interchange of opinion, to which I may have occasion hereafter particularly to refer; but with the English Plenipotentiary - while our personal friendly relations have been uninterrupted - there has been none worth mentioning. I conducted the negociations with the Imperial Commissioners exactly as I should have done, if I had been the only diplomatic representative here, determined to gain on fair principles the best terms I could for my

Embarrassment of my position

countrymen

countrymen, and only so far solicitous for the progress and success of others as to see in such success the means of averting hostilities and a new interruption of commercial relations. Of course, I had this further interest that having followed the example set by Great Britain in 1842 of claiming a very comprehensive "most favoured clause", I was concerned in the general success of the Allies. But with their mode of diplomacy, whether threatening or conciliatory, I am happy to say I had nothing whatever to do. In this connexion, I may add, that on the 25th inst. an interview with Count Poutiatine and myself was solicited by the Chinese Commissioners, their object being to supplicate our intercession with the English and French Plenipotentiaries - but especially the former - to mitigate the demands made by them on points as to which by repeated Imperial decrees they said they were forbidden to negociate. I have no doubt that this expression of feeling was genuine and if, it should appear that these concessions were afterwards made to the English, it was under the influence of fear or some less worthy impulse. It was on the part of the Chinese a scene of agitation and distress, the more so as we were compelled to tell them that the extent of our interference would be to make a statement of facts to the French Minister, but that, with Lord Elgin, we could not pretend to have the least influence.

Thus aided by the coercion of others,

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and embarassed by the course which the Allies thought it right to pursue, I approached the discharge of my duty as the Representative of a friendly nation.

The two great points of difficulty which presented themselves at the outset were the permanent residence of Foreign Ministers at Peking and the free navigation of the rivers. These you will recollect the Commissioners at Taku refused even to discuss. Here there was an entire willingness to listen, and once or twice a special reference for new instructions to Peking, but throughout an apparently fixed resolution not to yield. This reluctance seemed to three of the Plenipotentiaries of France, Russia and myself, so invincible that at an early period of our discussions we saw it would be wrong to persevere in the demand. His Excellency the English High Commissioner, it seems, took a different view of this question, and I am free to say that the reasons which, it is understood, were operative on him, reconciled me very much to the apparently steady denial of the Chinese. I could not, and I do not see any benefit to ensue to my countrymen, deeply interested in the pacification, present and future, of this empire and the peaceful pursuit of commerce, from having Peking converted into a new Constantinople and made the Seat and Scene of diplomatic squabbles and European intriques. Certainly there is nothing so tranquil and secure in the present State of

European

Two points, ministers at Peking & navigation of rivers, refused

Effects of foreign ministers residing at Peking

European politics as to increase the chances of cordiality in a Knot of English, French, and Russian diplomatists, exiled at Peking, watching and quarrelling with each other - and, as certainly, no little risk to the American representative of being drawn into the vortex of European difficulties with which he has nothing whatever to do. I have seen enough since I have been here to convince me that there is a most bitter animosity subsisting between Russia and Great Britain, and I have no doubt whatever that should the permanent collocation of European Ministers at Peking be extorted, there will be the inevitable field for its development, and that, henceforward, China will be as much under the supervision of a European Congress as are the Danubian principalities or any other portion of the world where rival political interests have come in conflict. China when forcibly introduced into what is called the family of nations must, so long as European entanglements exist, find there the most mischievous discord. The only Western Power that has nothing to do with these entanglements and cares nothing about them, and wishes China to be sustained in its integrity for its own sake is the United States. I do Lord Elgin the justice to hope that higher motives may have influenced him. He has persuaded himself that the presence of a wise and tolerant representative of his country at Peking may do great good in counselling the Imperial authorities

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and sustaining their institutions. Such an influence I could hardly anticipate for the Minister of the United States whose duties, as the representative of a commercial nation, are of a much less disinterested character and who is happily precluded from enforcing his counsels.

But there are practical difficulties in the peculiar ceremonial which surrounds the Imperial Court, and here probably the very high diplomatic rank, (as Ambassadors,) claimed by the Plenipotentiaries of England and France, especially the latter, has for the time aided the Chinese. As the representatives of the persons of their respective Sovereigns, they could not, it seems, without disparagement, reside at the Capital without personal intercourse with the Emperor; and that intercourse involves either a compliance with the ceremonial of this Court, (which of course is out of the question,) or a refusal to comply with it and the necessary degradation of the Emperor in the eyes of his own subjects and tributary dependants. I have been much struck, as has everyone here, with the silence of the Chinese officials on this subject of ceremonial - the discussion of which threw a tinge of absurdity over the elaborate diplomatic failures of Lord Macartney and Lord Amherst but I do not by any means infer from this silence that their ceremonial exactions are abandoned or the ceremonies become obsolete; and the foreign Representative who goes to Peking, expecting to have access to the Imperial Presence

Ceremonial of Chinese Court.

without

without complying with some sort of degrading ceremony, will, I am confident, be disappointed and find, on the threshold of the court, a new element of controversy. Of course without pretending to equal rank in technical diplomacy with the English and French Plenipotentiaries I never could have consented to go to Peking with fewer rights or exemptions than they had. At a very early stage of our discussions, these views presented themselves almost without consultation to Baron Gros, Count Poutiatine and myself.

For all these reasons, the force of which I am confident the President will properly estimate, I did not further press the claim for a permanent Minister of the United States at Peking, but was contented with a right of annual visit and sojourn, as embodied in the Fifth Article of the Treaty and a stipulation that in case a permanent Minister should ever be received from any other power, we may, if we please, send one. Of the limitations on the right of visit and sojourn, I shall speak more particularly hereafter.

Annual Visit to Capital.

The other point of difficulty was the free navigation of the Rivers of China and especially of the Yang Tse Kiang. In refusing this the Chinese Plenipotentiaries and the court were, with me, as resolute as about the residence at Peking. I confess at the outset of my mission, and down to a very recent period, I felt a deep solicitude, expressed in many of my dispatches,

Navigation of rivers

to you, to obtain this privilege for I was and am still confident that the enterprise of my countrymen would find, in the navigation of these streams, material advantages of great value - but it is due to candour to say that observation of some of the results of commercial contact since I have been in China, has very much abated my anxiety to open what are called new markets, and to increase the area of collision and corruption and oppression. My instructions were happily silent on this subject, and left me at liberty to act according to my discretion and to do justice to the scruples and objections of the Chinese. Besides, I could not but feel that their assertion of a right of absolute sovereignty over the rivers was one that I, least of all, had a right to question, and whilst I might wish to see them, as a matter of mere commercial interest, allow the foreigner to go and trade up their rivers at pleasure, yet they had a perfect right to refuse. Some of our countrymen too who have the largest experience in China and the greatest reason from their enterprise and means to desire to see this 'opening' of the rivers and the interior, have been very urgent with me not to press it. They see in the establishment of open ports and consulates in the interior, and with them the constant interference and presence of European and especially of English men of war, the inauguration

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of a System of European interference which they especially deprecate. I am not much impressed by these fears of the predominance of Great Britain where our countrymen have a chance of fair competition, but seeing opium and other evils to China following the trade of England, and I regret to say the United States, whenever a new point of contact is conceded - and seeing too, what I refer to with great humiliation, that the United States does not clothe its consular functionaries with the ordinary means of enforcing law, and protecting the Chinese against outrage, I confess my zeal for unrestricted access to the interior has subsided.

Ingress into China

I am compelled from time to time in this dispatch to refer to what, it is believed, are contained in the English and French treaties, though I desire this to be understood as far as possible as an exposition of my own conduct, in the separate negociation which I have conducted and of the privileges which, unaided I was enabled to secure. Of course under the "most favoured" clause, any privileges I have obtained may be enlarged by the operation of the other treaties, but I have very reason to think, on this point of intercourse with the interior of China, privileges, under limitation of passports and numbers, have been secured by them which our

countrymen

countrymen may not desire and which I certainly did not wish to make matter of stipulation. So about the resident Minister at Peking, whilst the privilege will inure to us, if granted to the English, I can well conceive of conditions annexed to it; or responsibilities infaced by it, which may make it anything but desireable to us.

These being the difficulties and the facilities of my position here, I now desire as briefly as possible to state the new and modified provisions of the treaty I have succeeded in effecting - premising the following order of dates of the signatures of the different treaties. That with Russia was signed on the 13th, that of the United States on the 18th - with Great Britain on the 26th and France on the 27th. It is but right that I should repeat here my obligations to His Excellency Count Poutiatine for his zealous cooperation with me from first to last. He was anxious to promote my views in every respect. —

Dates of four treaties

The signature of the new treaty puts an end entirely to the pretension of the Chinese, as stated in Yeh's correspondence last December, that in consequence of the peculiar phraseology of the treaty of Wang-hia, it was in substance a compact for

No limitation of time in treaty

ever

ever and could only be modified on matters of inconsiderable import. The Imperial Commissioners never whispered this objection here, but went to work earnestly and apparently in good faith to make a new and revised treaty, exactly as if no such difficulty had been suggested. I have thought it best, observing how these people reason, to omit any limitation as to time in the new treaty. This leaves us at liberty to negociate a change when the necessity arises, and you may depend on it whether there is an express limitation or not in the treaty, the Chinese in the first instance will always object to change. The object of a limitation as to time is only of advantage as a matter of mutual obligation. The Chinese will never, of their own accord, ask for a change, and be very apt to object whenever we do, so that a limitation of time would really only be a restriction on us

The 1st Article is a formal one. The concluding clause providing for the mutual abstinence from offence and for good offices, originated, as may be inferred from its phraseology, with the Chinese Plenipotentiaries. They were urgent about it. It may be that these promised good offices instead of being repelled as they were by Yeh,

Art. I. Mediation in cases of difficulty

may

may enure to the advantage of China in some future and perhaps not distant conflict; and I am confident it will be the wish of the United States to meet these expectations.

The 2nd and 3rd Articles provide for the safe deposit at the Capital, and the official publication of the ratified treaties and are very important. They render impossible the transfer or detention of this compact with the Imperial authority, to a distant and insecure part of the Empire, as was the case before, and remove all doubts as to the promulgation of the Treaty by Imperial authority at the Capital and in the Provinces

Art. II, III. Publication & preservation of treaty

The 4th Article gives to the United States the right of direct correspondence under sealed envelopes, the sacredness of which is expressly guaranteed, with the Privy Council (Nui Koh 內閣) at the Capital. This right, as you will easily infer, may be a most important one, for a retrospect of the correspondence of all my predecessors shows that not a word they ever wrote is known to have reached the immediate counsellors of the Emperor, except by reports from Governor's General and local authorities, and so persistent have the Chinese been in this that no one of the communications addressed by the Western Plenipotentiaries to Pekeng have been directly acknowledged. My belief is that the suppression was rather apparent than real, and that more information

Art IV. Direct Correspondence with officers

reached

reached the capital than was supposed. But my predecessors never had the satisfaction of knowing it. This article puts an end to all this and its willing adoption, following so soon on the letter of the Emperor to the President, gives every reason to believe that it will be honestly observed. The Privy Council is the most powerful of the official boards and as such, is the fit organ of correspondence with the highest diplomatic Representative of the United States. Its duties according to the Imperial Statutes are "to deliberate on the government of the Empire, "proclaim abroad the imperial pleasure, regulate the "canons of State together with the whole administration" of what they call "the great balance of power". What in other countries is performed by a Prime Minister, is in China done by this Council. It is not "the Board of Rites", but superior to it - nor the Li-fan Yuen, or Colonial office having control of intercourse with Tributary nations. If the permanent Legation of the United States shall be, as I hope it will be, established at Shanghai, communications may be made directly to the Privy Council at the Capital and answered in twenty days.

Duties of Privy Council

- The 5th Article stipulates under certain limitations for the annual visit and sojourn of an American Minister at Peking. These limitations may

Art. V. Annual visit to Peking

be

be somewhat modified by the provisions of the other treaties, but, as they are, I see no difficulty in agreeing to them. The details as to the arrangements to be made for the journey and residence of the Minister at the capital were cordially assented to and I have no doubt all facilities will be afforded by the Chinese authorities. The journey from Shanghai inland to the capital is of course an interesting one though now much obstructed by the deflection of the Yellow River and the want of water in the grand canal, but our recent experience in coming to this point and the concurrent testimony of others show, that at any time from April to November the capital is easily accessible by this route. I see no reason to anticipate, now that the treaty stipulation exists, any difficulty on the part of the Chinese. But I venture to express the hope there will be perfect good faith in the representative of the United States observing the limitations on this right of visit; I mean that it should only be made on important occasions, of which he must of course be the judge, and not be unnecessarily protracted. Mere curiosity, or the desire to gain some sort of illustration, will certainly not justify a visit, which, under the most favourable aspect, cannot but be repugnant to the prejudices of the Chinese. But on the other hand when the important occasion does arise

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I trust the exercise of the right will be demanded and insisted on, and I repeat, I have not the least doubt it will be agreed to. In this spirit I assented to the article.

Visit now inopportune

I may here state the reasons which are operative to induce me to agree in opinion with the other Plenipotentiaries that this is not the time to assert the right. It is hardly necessary to say that a rational curiosity and other motives would have been gratified by making this visit to the capital now. Aside from the fact that the treaty was not and might not be immediately ratified there are obvious reasons for deferring a visit. The Imperial authorities feel deeply that in yielding this ancient prejudice, they have done so in the face of a powerful hostile face - The very concession is a crisis to them, and it is certainly not a magnanimous part to insist on its execution now. It has occurred to every one that the proper time for such a visit will be when the ratified treaty shall be returned and the exchange be determined on. That exchange will constitute an occasion of sufficient importance to justify a demand for a visit to the capital. I hope it then will be made and in the event of objection which I do not anticipate, be resolutely insisted on. If the treaty be ratified by the President and Senate next winter, the exchange of ratifications may be made by my Successor

Ratifications exchanged at Peking

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in the Spring or Summer of 1859, either separately or in conjunction with the Representatives of the other Western Powers. I hope it will be done separately. From November to April, no embassy can conveniently approach or leave Peking. The restriction as to the number of the Legation and the obligation not to enter the River, protected as it is by a bar which our ships cannot approach nearer than six or eight miles, with men of war, I had no difficulty in agreeing to.

The 6th Article contains a stipulation providing for our having a permanent Minister at Peking if one ever be allowed to any other nation. The Chinese Plenipotentiaries most readily agreed to this. I thought it best beside a general 'most favoured' clause to insert a special stipulation for a resident Minister so that should the fears of the Chinese and the presence of the military array now here at the last moment induce the concession of permanent Ministers, there should be no pretence for refusal to us. Art. VI. Future Permanent residence at Peking

The 7th is identical, excepting the insertion of the word "used", with the 39th Article of the Treaty of Wang-hia, and provides for the terms of official intercourse of Consuls &c. Art. VII.

The 8th Article, relating to the place

where

Art. VIII. Personal Intercourse with officers

where official interviews are to take place, is new and is meant to obviate one of the difficulties which has given rise to the recent hostilities of Great Britain by determining the places of personal intercourse.

Art. IX. Ships of war

The 9th Article, regulating the access of national vessels, is a transcript of Article 32nd of the Treaty of Wang-hia with a few verbal alterations and the addition of the words "or for the advancement of Science". It also contains a provision, as suggested by the Chinese Plenipotentiaries for the cooperation of American men of war in the suppression of that kind of coastwise piracy from which the commerce of this nation suffers so much. This provision I may venture to say will be a dead letter in its obligation on us, so long as our Squadron on this coast consists of large vessels.

Art. X. Consuls rights and standing

The 10th Article corresponds generally with Article 4th of the former treaty with these exceptions. The exact relative rank of our Consuls with Intendants of Circuits or Prefects is defined — and a provision is made for the exequaturs of Consuls. These have sometimes been vexatiously delayed, and it was better to make it a matter of express stipulation.

The 11th Article combines the 19th

and

and 21st Articles of the Treaty of Wanghia, with the additional stipulation that arrests in order to trial may be made either by American or Chinese officials.

Art. XI. Ex-territoriality. U.S. should fulfill its obligations

I may make this article the subject of separate communication, but I cannot allow it to pass now without saying, in the most emphatic terms, that no greater wrong could be done to a weak nation, no clearer violation of the spirit or letter of a treaty than claiming exemption from local law for our citizens who commit crime and then failing to punish them ourselves. We extort from China "ex-territoriality" - the amenability of guilty Americans to our law and then we deny to our judicial officers the means of punishing them. There are consular courts in China to try American thieves and burglars and murderers, but there is not a single gaol where the thief a burglar may be confined. Our consuls in this, as in many other particulars, have to appeal to English or French liberality, and it often happens that the penitentiary accommodations of England and France are inadequate to their own necessities, and the American culprit is discharged. Hence it follows that many claim the privilege of American citizenship in order to have the benefit of this immunity, and every vagabond Englishman or Irishman or Scotchman,

any one

anyone who, speaking our language can make out a prima facie claim to citizenship, commits crime according to his inclination, secure that, if he is tried in the American courts, there is no power of punishment. In the case of a murder, the provision of the Act of Congress of 1848 is that before the capital sentence can be carried into effect, the prisoner must be detained a year in custody. This, so long as the United States refuse or neglect to provide for the erection of prisons, gives to the worst crime the greatest privilege and the wretch, (and I regret to say there are many capable of this crime now haunting the coast;) who commits a deliberate murder is sure of escape. I consider the exaction of "ex-territoriality" from the Chinese, so long as the United States refuse or neglect to provide the means of punishment, an opprobrium of the worst kind. It is as bad as the coolie or the opium trade. Were it not that I have strong confidence that, when this matter is fully understood, Congress will apply the remedy, I should be ashamed to put my name to a treaty which asserts this boasted privilege of "ex-territoriality." I am not aware that I can find a more appropriate occasion to illustrate this enormity than here and I therefore beg to recall to your attention a flagrant case of recent occurrence. In the early part of this year a man named

Jackson

Jackson, claiming to be an American, was tried in the Consular court of Ningpo for an aggravated larceny, first drugging his victim, then robbing and then attempting to murder him. The proof was ample. There was no prison at Ningpo and the Consul had no resource but to request Commander Saumarez of Her Majesty's Ship Cormorant to take charge of the prisoner temporarily. He assented, and was rebuked by the Senior Naval officer on the station for having done so. The Consul, after a time, sent the man to Shanghai with a request that he might be confined in the English gaol (the legality of which custody being very doubtful). The English Consul, knowing the desperate character of the convict, refused to receive him. An appeal was made to the Commander of the United States Ship Mississippi and he declined to have anything to do with consular adjudications. He was kept for a short time in the house of the Marshal and thence without difficulty escaped. This, I repeat, is the way in which the United States has heretofore observed her treaty obligation with China.

Art. XII. Buying, Renting houses & lands

The 12th Article contains a most important modification of the Treaty of Wanghia and one to which my attention was particularly directed by my instructions. The former treaty (Article 17) provided for

for the interposition of the local authorities before the site of any leasehold property could be determined. The effect of this was to create an unnecessary embarassment, for the officials, knowing that their previous consent was necessary, were always ready to interpose and forbid the selection of a site which they or any interested or ill disposed person wished to prevent. No such previous consent is now needed, and perfect freedom of individual contract is secured and the authorities are only permitted to interfere when there is a direct appeal to them. This change is considered here of great advantage.

The concluding provision of the Article of the former treaty which required the local authorities in concert with the Consuls, to define the limits beyond which it would not be lawful for the citizens of the United States to go is omitted. There is no express prohibition of a citizen of the United States going any where in the neighbourhood of the open ports provided he engages in no unlawful trade in fraud of the Revenue.

Art. XIII. Crews of Wrecked Ships.

The 13th Article combines the greater portion of Articles 26 and 27 of the Treaty of Wanghia with material modifications. By the old treaty the shipwrecked mariner of the United States could only repair to the nearest of the five ports opened to commerce. He now can go to the nearest port whether open or not.

The

The provision is added that in case of the collusion of local authorities in any robbery or piracy, there shall be a confiscation by imperial order of the property of the colluding official to repair the loss.

Article 14th. To this article I beg to direct especial attention as containing new commercial privileges, and the right to visit additional ports on the coast. When the negociations were in progress at Taku, the Commissioners expressed a willingness to open all the ports where an irregular commerce existed. But here the new Plenipotentiaries acting on an unintelligible principle eminently Chinese, receded from this, and, while they allowed me the choice, limited it to two ports and agreed to put in the article a special provision allowing citizens of the United States to trade at any port opened to other nations. The new ports opened to us by this treaty are Swatau, the great place for the export of sugar, and Tai-wan in Formosa, in reference to which I beg to refer you to the Report of Captain Simms communicated to the Navy Department in last. It is understood that the ports opened to all the other powers and which, of course, are to us, are Niu-chwang on the North Eastern part of the Gulf of Pechili in Manchuria;- Tang-chau on the Shantung promontory;- Kiung-chau in the island

Art. XIV. New Ports opened

Four Others to be opened.

of

of Hainan and Tan-Shwui in Formosa. These constitute in the aggregate the same number of ports as would have been conceded before the fall of the forts. It is believed by those familiar with the subject that the most available of the new ports are those named in our treaty Swatau and Tai-wan. The whole number of ports on the coast open to American commerce will be eleven instead of five.

In framing this article you will observe that access to the cities as well as the ports is given, thus removing an ambiguity which may be imputed to the former treaty.

Opium, why not mentioned

In my instructions, I was directed not to unite in any effort to legalise the opium trade and by a fair inference I was led to conclude that it was the wish of the Government that the trade should not be legalised in any treaty but be left to the prohibitory statutes of the Chinese. In the treaty of Wanghia (Article 33) dealing in opium was in terms prohibited to American citizens. In the new treaty I have omitted the word 'opium' and left the trade to be dealt with as with that of any other article declared by law to be contraband. My reasons for this were two fold. In the first place the retention of the word made the open defiance of the treaty more scandalous, and when at every port I found Americans dealing in

opium

opium freely and unreservedly, and at least one American built but British owned steamer ~~with~~ the American flag, plying regularly up and down the coast as a quick carrier of the poison, I felt that it was worse than a mockery to retain the specific prohibition and much better to class opium in the general list of contraband. Another motive also influenced me. In one of the few interviews I have had with Lord Elgin, he expressed a strong wish that the word 'opium' should be omitted in the American and Russian treaties. He seemed to think, and I thought with some reason, that it was a reflection on England who derived a large revenue from the trade and he assured me that, if I would accede to this, he would not attempt to legalise the trade by treaty as he was instructed to do (-Dispatch of the Earl of Clarendon to Lord Elgin. April 20. 1857). I confess this was an inducement to me for I could not but believe from the great indifference the Chinese Commissioners at Taku expressed on the subject, they might be easily persuaded to legalise the trade if the English insisted on it and I thought Lord Elgin's half expressed reluctance to comply with his instructions was very creditable to him, believing as I do, that he feels, [illegible], a strong repugnance to

B.T.H

this

this infamous traffic and the connexion of his Government with it. Not having yet seen the English treaty I am unable to say whether it contains any reference to it.

Art. XV. Tariff to be settled

Article 15th. This article corresponds generally with the 5th Article of the treaty of Wanghia. The tariff of duties arranged by that treaty is adopted as on the whole very moderate - the most so imposed by any nation that raises revenue on exports as well as imports. In this view I am confirmed by the fact that the Shanghai chamber of commerce composed of English merchants whose interests on these subjects are identical with those of Americans recently in a formal report made to Lord Elgin suggested no material diminution of the rates. It has been a favourite speculation in China that some great economical reform extending if not to the abolition of all duties on the coast at least to that of export duties, should be embodied in the treaties now made. Such a revolution must be left to some very remote and more enlightened period. Certainly China is not prepared for it now. As to the transit duties said to be levied in the interior, it has been found impossible to determine where they are enforced and what they are. Whether they are the unauthorised exactions of corrupt officials to be levied by the authority of Government cannot be as ~~certained or by treaty prohibition~~

could

could be framed to reach them.

Article 16th. By the treaty of Wanghia a tonnage duty of five mace (75 cents) per ton of register was agreed to on vessels over One hundred and fifty tons. The English register ton is reckoned at fifty cubic feet whilst ours is but forty. The apparent equality of the duty was therefore a discrimination to our disadvantage which is obviated by the provision of the new treaty fixing the duty at four mace (60 cents) per ton of forty cubic feet. The provision of the former treaty as to exemption from double tonnage is enlarged by the addition of the words "or being in ballast to purchase an entire or fill up an incomplete cargo." Art XVI. Tonnage dues equalized on Am. ships

I had a strong hope that I could persuade the Chinese Plenipotentiaries to agree to a Stipulation compelling the application of a portion of the tonnage duty to the improvement of navigation but the difficulty may be appreciated when I state that their Excellencies the Commissioners frankly said that they did not know what a light-house or beacon was. The most that my peaceful persuasion could obtain was a stipulation - very vague I admit - that the subject of improvement of the river navigation should be considered by the local authorities. May be applied to improve the ports

Article 17th corresponds verbatim with Article Art. XVII

Article 8. of the former treaty regulating Pilots &c.

Art. XVIII — Article 18th is a consolidation of portions of Articles 9 and 29 of the former treaty as to surrender of. mutineers and maintenance of order.

Art. XIX — Article 19th is identical, excepting — verbal corrections with Article 10. of the former treaty. There is added to it a stipulation taken from the French treaty of 1844 providing for an "appeal to the consul of any friendly power or directly to the Superintendant of Customs in case of a vacancy in the consulate of the United States.

Art. XX — Article 20th as to the adjustment of ad valorem duties, is the same as Article 11 of the old treaty.

Art. XXI. Reexportation of foreign grain — Article 21st as to re-exportation is the same as Article 20. of the former treaty with the addition of "Foreign grain or rice brought into any port of China in a Ship of the United States and not landed, may be re-exported without hindrance". Such a — provision was rendered necessary by a difficulty recently at Shanghai, which led to great perplexity. I refer to that known as the "Spec" case, which was fully reported to the Department in September last.

Art. XXII Payment of Duties - Responsibility of Consuls — Article 22nd as to the medium of payment of duties, and the responsibility of consuls

Contains

contains new provisions of some moment (See Article 13. Old Treaty).

In common with every one who has given any attention to matters of commercial interest in China, I was solicitous that some improvement should be effected in the currency at least so far as the payment of duties influenced it. I have sought information from every source and have received all sorts of suggestions, varying from those of the most intelligent merchant to the crudities which limited observation and no practical experience are so apt to generate. Had there been ~~xxx~~ between the representatives of commercial nations the thorough concert which, on such a point, would be legitimate, perhaps some result in the way of suggestion to these impracticable people might have been reached. But what were considered greater objects of diplomatic interest absorbed attention, and down to this time I have not the most remote idea what remedy, if any, the English Plenipotentiary has suggested. At the conferences at Taku I mentioned the subject to the Imperial Commissioners but was met by the assurance apparently sincere that no coinage (beyond the wretched, infinitesimal copper cash to which the people are accustomed) could be attempted by the Imperial

Currency of China

Government

government or with the habits of the people could succeed. It had been tried and failed entirely. The subject was presented by me in every form but unavailingly. There was under these circumstances nothing to be done but to fall back upon an elementary principle and agree that the Standard should, as heretofore, be their own Sycee or pure Silver, and that foreign coins should be received at the current rate of exchange in comparison with that Standard. In other words that this sort of trade must regulate itself. It is doing so.

The Chinese Plenipotentiaries at one of the interviews called my attention to the necessity of some Treaty provision against Consuls delivering Ships' papers before the duties are paid; as you are aware, has been the case under the summary action of the former consuls at Fuh-chau and Canton. The English and American Consuls had done this in 1853 and Mr Jones at Fuh-chau in 1856.1857. Desiring to act with entire good faith to the Chinese I could not but admit that such consular action was an abuse of authority and ought not to be permitted, but at the same time I was resolute that the Consuls should in no sense be subject to the control or jurisdiction of the Chinese Authorities, and that the withholding or surrendering the Ships papers should continue to be

the

the act of our officers. The article was finally agreed to as it now stands by which the Consul is to be responsible to his own government if he permits a ship to go without payment of duties. This will meet the case as it occurred at Fuh-chau where the former consul let the ships go, not only without payment, even to him, of the duties but without securing them, and at the last accounts some portion of those due by British shippers were still unpaid. If, as with the Chinese is always possible, some emergency arises, rendering necessary a detention of duties by proper authority, it may be done on payment by the shippers and not on the mere faith of his promise, and thus the ultimate interest of the Chinese Government be protected. A responsibility of the Consul now exists by operation of law under his bond.

The 23rd Article as to transhipment is the same as Article 14 of the old treaty with an improvement of phraseology, and a requisition of a 'written' permit of transhipment. In the case of the 'Spec,' one of the difficulties was that the permit claimed was merely a verbal one. Art. XXIII

The 24th Article is the former provision (Treaty of Wanghia. Article 16.) as to the recovery of debts due from and to citizens of the United States. Art. XXIV

The 25th Article as to the free employment of teachers and linguists and their immunity corresponds Art. XXV

with

with the former provision (Article 18.)

Art. XXVI

The 26th Article as to neutrality and embargos is the Article 22d of the former treaty adapted to the new ports.

Art. XXVII

The 27th Article as to rights of property is Article 25th of the old treaty.

Art. XXVIII. Chinese applying to Consuls

The 28th Article. The former Treaty (Article 24.) in regulating the intercourse of citizens of the United States with the local Chinese authorities required the submission of the communication, if in writing, to the Consul that he might see that its tone was respectful. This is retained. But the provision requiring the Chinese to submit their communications for revision to the local authorities is modified. It never was practised and was quite unnecessary. The extortion of illegal fees is prohibited and permission is given to peaceable persons to enter the consular courts in order to interpret.

Art. XXIX Toleration of Christianity

The 29th Article providing for the toleration of Christianity and the protection of Chinese converts. Though I may have occasion hereafter to address you particularly on this subject so soon as I am informed of the exact stipulations of the other treaties, I beg to say a word or two here in explanation of the form of this Article. The recognition of both forms of Christian

faith

faith, ~~that~~ professed by the Roman Catholic and Protestant churches, is rendered necessary by the fact that in the Chinese language different terms are used to describe them. The sign 天主教 interpreted 'the religion of the Lord of Heaven' is generally understood as applying only to the former, while 耶穌教 or 'religion of Jesus Christ' is applied to the latter. In the Chinese text of this treaty both characters are used and could only be rendered in English in the form I have adopted and which I certainly should not otherwise have resorted to, accustomed as I am to regard them as part of a common faith. The recognition of that common faith and the great principle on which it rests and the immunity of its professors whether native or American are in the broadest terms, and that recognition is hailed here with entire contentment by the devoted men who are teaching the great doctrines of Christianity.

American Missionaries in China

I cannot allow this occasion to pass without an incidental tribute to the Missionary cause, as I observe it promoted by my own countrymen in China. Having no enthusiasm on the subject, I am bound to say that I consider the Missionary element in China a great conservative and protecting principle. It is the only barrier between the unhesitating advance of commercial adventure and the not inconspicuous element of Chinese

imbecile

imbecile corruption. The Missionary, according to my observation, is content to live under the Treaty and the law it creates or if, in his zeal, he chooses to go beyond it, he is content to take the risk without troubling his Government to protect him in his exorbitance. But taking a lower and more practical view of the matter, I am bound to say further that the studies of the Missionary and those connected with the missionary cause are essential to the interests of our country. Without them as interpreters, the public business could not be transacted. I could not but for their aid have advanced one step in the discharge of my duties here or read or written or understood one word of correspondence or treaty stipulation. With them, there has been no difficulty or embarassment. It was the case also in 1844 when Mr Cushing's interpreters and assistants were all from the same class; in 1853 with Mr Marshall and 1854 with Mr. McLane. Doctor Bridgman, who was the principal assistant in all these public duties, still lives in an active exercise of his usefulness; and I am glad of the opportunity of expressing to him my thanks for incidental assistance and constant and most valuable counsel. My principal interpreter for the Spoken language of the North has been the Rev. W. A. P. Martin of Indiana of the Presbyterian Board. There is not an American merchant in China (and I have heard of but

one

one English) who can write or read a single sentence of Chinese, and the spoken language is the hideous compound that prevails at the open ports which has no single merit to recommend it but suffices to convey the imperious mandates one universally hears to inferiors or the mutual cravings of ordinary traffic. The Missionary tries and succeeds in learning to speak Chinese, or in teaching the Chinese to speak English.

Fully appreciating all these obligations to the Missionary cause, I was very anxious to introduce into the new treaty such a provision as would testify this obligation and express what I believe to be the respectful sentiment of the Chinese themselves. To do so was not easy. The Chinese Plenipotentiaries promptly acceded to the article as it now stands which I believe is entirely satisfactory to the Missionaries. They indeed went further and offered to insert a stipulation that a limited number of Missionaries furnished with passports by the Consuls and local authorities might travel, without their families, anywhere in China and preach Christian doctrines. To such a proposition I could not accede. I confess to a great repugnance to any thing like a passport system. It would be impossible to agree to any limited number of missionaries to come from a country like ours where there are so many

Nature of the Toleration granted

forms

forms of Christian faith. It would be equally inadmissible to deny to the American Missionary the companionship of his family who, here, not only share his privations but by their active cooperation contribute to his success. There are no American Roman Catholic Missionaries that I am aware of in China. But besides, there was a stronger objection; that obtaining such a privilege for Missionaries would have involved the recognition of a distinction as to rights between Missionaries and Merchants and others which my judgment did not approve. In the Russian and probably French treaties this privilege was accepted, for obvious reasons, even with its limitations. I declined it on the grounds I have stated, and have reason to believe that the Article in the Treaty, as it stands, will give entire satisfaction to those directly interested and ensure the full protection needed.

Art. xxx. Derivative privileges obtained

The 30th Article is that known as the 'most favoured clause' and I have endeavoured to make it as comprehensive as language will permit. It covers political and social rights. It applies to privileges of commerce and navigation. It gives to the American Merchant and Missionary and Traveller whatever any other nations gain by solicitation or force for theirs and what is equally material it was

Conceded

conceded by the Chinese with an alacrity which excluded all doubt as to their sincerity. There may be, and as I have already said, it is probable there will be in the treaties with the other powers privileges conferred which the Government and citizens of the United States may not choose to avail themselves of but the choice will be absolutely with them.

Ratification of Treaty

The provision made for the ratification of the treaty differs from that on former occasions. It looks to the ratification by the Emperor forthwith and it is understood that it may be expected immediately or that there will be some equivalent form of acknowledgment for consideration. I recommend that the exchange of ratifications be at the capital in the Spring or Summer of 1859.

Kiying's position and degradation

I hesitate to add to this dispatch any further details of the negociation thus concluded. But one incident of peculiar interest must be communicated. In my last despatch I mentioned the fact that Kiying had been accredited as joint Imperial Commissioner; had arrived in this city and that I had an interview with him. A day or two afterwards it was understood that he had returned to the capital, was arrested on his way and had been brought to trial for some offence not very intelligible against the Imperial Authority. I annex to this dispatch a copy of the decree degrading him and ordering his

trial.

trial. (Inclosure 2). Since that it is known that he has been formally adjudged to death, but it is not ascertained positively whether the judgment has been executed or commuted into banishment. He has probably fallen a victim to some court intrigue, the ostensible reason for his punishment being that through his agency eighteen years ago China was in a measure opened to foreigners. This if true is a sad revelation of the policy of this government. I beg further to inform you that on the 19th inst. I returned to their Excellencies the Imperial Commissioners the ratified copy of the Treaty of Wang-hia which was found among Yeh's papers at the time of his capture at Canton in January last and sent to me by the English and French Ministers. I annex the correspondence on the subject. (Inclosures 3, 4)

Return of the ratified copy of the treaty of Wang-hia to the Imperial Commissioners.

Claims of Americans for losses.

The subject of claims for our citizens and the arrangement I have made for their liquidation will be explained in a separate dispatch. I have limited this to a single topic.

Such is the treaty I have succeeded in negociating and which I now submit for the consideration of the President. I have the strongest confidence it will be approved. I shall be glad that when it is submitted to the Senate, or at any other time the President shall think fit, every word of my correspondence without the least

reserve.

reserve, shall accompany it. That correspondence faithfully records the course of events and their perplexities from my first arrival in the midst of a war to which the United States were not, and were determined not to be, parties, to this moment when, after a very unsatisfactory concert, peace has been restored. It shows too that a resolute adherence to neutrality can be maintained. It illustrates various changes of opinion as to men and measures which I have no disposition to disguise. The Treaty which I send has been obtained by fair means without the utterance of a threat and with a distinct assurance from me, at every stage that the United States had no warlike intentions. I should have thought myself and my country degraded by holding threatening language when I knew that no coercion was intended.

Leave to Return.

Having now concluded the object of my mission I formally and earnestly ask for permission to return to the United States in the Minnesota by such route as I may prefer at as early a period of the autumn as possible. Should the President appoint my successor, as I trust he will, on the ratification of the Treaty or sooner, I shall be most happy to meet him in Europe, and confer fully on matters of common interest. It will be entirely out of my power to remain in China till his

arrival

here. The temporary discharge of the duties of the Legation can safely be left in the hands of Mr Williams, to whom I desire anew to express my sincere thanks for zealous and intelligent cooperation, for I can safely say there is no one in China who, with the loyal feelings of an American, more thoroughly combines a Christian sympathy with the Chinese and an ability resulting from both, to strengthen our friendly relations. The correspondence as to the interchange of Treaties with the other Plenipotentiaries is hereto annexed.

I have the honour to be
Sir
Your Obedient Servant
William B Reed

P.S. I find on special reference to the Act of Congress that I have misstated the provision as to the detention for a year of a convict of a capital crime. Such detention however would be necessary in case of the judgment being referred home for revision.

Index to Dispatch № 23
Tientsin, June 30. 1858
Relating to the Treaty

From	To	Subject Matter	Date
W B Reed	Kweiliang &c	Acknowledges Kiying's powers & Emperor's Letter	June 12, 1858
Do	Do	Proposes to meet them to sign treaty on 17th	" 15 "
Do	Do	Note on Arts. 22 & 29. Meet on 18th	" 16 "
Kweiliang &c	W B Reed	Agree to meet on 18th Change in Arts 22 & 29	" 17 "
Do	Do	Complains of Sailors robbing citizens	" 21 "
Do	Do	Sends Emperors acknowledgment of treaty	" 30 "
W B Reed	Kweiliang &c	Complains of Murder of Upton	July 2 "
Kweiliang	W B Reed	Will report it to Court. & have orders issued	" 2 "
Emperor's		Decree ordering Kiying to be tried	June 12 "
W B Reed	Kweiliang &c	Sends the ratified copy of the old Treaty	" 19 "
Kweiliang	W B Reed	Have received it to be deposited at Peking	" 19 "
W B Reed	Elgin. Gros	Notifies them of having signed a treaty	" 19 "
Lord Elgin	W B Reed	Acknowledges above	" 19 "
Ct Poutiatine	Do	Gratification at it. sends copy of Russian treaty	" 19 "
W B Reed	Ct Poutiatine	Sends copy of Am. Treaty - Claims deferred	" 21 "
Do	Gros. Elgin	Sends them copies of Am. Treaty	" 21 "
Lord Elgin	W B Reed	Acknowledges above	" 22 "
Bon Gros	Do	Do	" 22 "
Lord Elgin	Do	Notifies him of having signed a treaty	" 28 "

Dispatch 23 - Enc 1
June 30. 1858

Thus

The Undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States, has had the honour to receive two communications informing him that His Excellency Keying has been appointed Imperial Commissioner and Plenipotentiary in conjunction with their Excellencies Kweiliang and Hwashana, and communicating the Imperial Decree giving him the necessary powers.

He has also the honour to inform their Excellencies that he has now in his custody, and shall soon forward to Washington the letter from His Majesty the Emperor to the President of the United States. Being a closed letter he has no remarks to make on it, but if their Excellencies have a copy of it, he shall be glad to receive it.

The Undersigned is happy to learn that the consultations of the agents appointed on both sides are advancing favourably. He hopes and desires that they may be resumed on Monday the 14th inst at 10 A. M. - to morrow being a sacred day of rest with Christian people - and believing that they will soon be completed, he proposes to meet their Excellencies the Imperial Commissioners on Wednesday the 16th inst at eleven oclock, in due form to sign and seal the same if they be completed - William B. Reed

To their Excellencies Kweiliang and Hwashana &c &c

June 12th. 1858

Dispatch 23. Enl
June 30. 1858

No 2

The Undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States, having learned that the deputies appointed to arrange the details of the treaty have not yet quite completed their duties and that His Excellency Kweiliang is still labouring under illness (which the Undersigned very much regrets) proposes to defer his interview with the Imperial Commissioners until Thursday at 6. P.M when he hopes to sign the treaty.

The article regulating the visits to Peking which was to day referred to your Excellencies is reasonable and must be adopted. If it is, the Undersigned is willing to defer for the present the claims on the Government of China. His great anxiety is for peace. If the article about visits to Peking is not adopted as it stands, the Undersigned reserves to himself the right at once to insist on the liquidation of these claims by the Imperial Government.

If convenient and in view of the indisposition of Kweiliang, the Undersigned will be glad to meet at some nearer place than the temple of Hai-Kwang. The Fung-shin temple is much nearer but he will in this conform to your Excellencies' wishes and convenience.

W. B. Reed.

To their Excellencies Kweiliang & Hwashana &c &c.

June 15th 1858

Dispatch 23. Enc 1
June 30. 1858

The Undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States, has received the report of the deputies appointed to discuss the details of the Treaty. He agrees to the modifications suggested with regard to the visit to Peking and toleration of religion. He agrees to the article making Consuls responsible for discharging ships without securing duties. He sends copies of the articles as he agrees to them. He regrets that the Imperial Commissioners will not consider and provide for the claims of citizens of the United States for losses at Canton but he defers the consideration of them for the present and if the same rule be applied to the claimants of other nations, he is willing to discuss them with the Commissioners at Canton.

In regard to the form of concluding the Treaty, he does not yet know the form in which the Russian Treaty has been signed, but he wishes the present one to conform in this respect to the previous treaty signed at Wanghia.

He proposes to meet their Excellencies as he said he would to morrow at 4 o'clock either at the Hai-Kwang temple or at the residence of His Excellency Kweiliang, or if it is more agreeable, he will meet them for the purpose of signing the treaty on Friday at 10 o'clock. He hopes there will be no further delay.

June 16. 1858 William B. Reed.

To their Excellencies Kweiliang and Hwashana,
Imperial Commissioners and Plenipotentiaries &c &c.

Dispatch 23 - Enc 1
June 30. 1858

Fiss

Kweiliang and Hwashana Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire to &c herewith communicate on business -.

The deputies who were appointed to deliberate on behalf of our respective Countries on the articles of the Treaty, having come to the end of their labours, we are on our side now busily engaged in making a draft of the same. Accordingly we have decided to meet your Excellency on the 18th inst at 6 P.M. at the Hai-Kwang Monastery, where we can sign the copies of this treaty securing perpetual peace between our two countries - Appended are the Slips containing the emendations of Arts. 22 and 29.

To His Excellency W. B. Reed.

Envoy Extraordinary & Minister Plenipotentiary of the United States of America to China.

June 17th 1858

The clause added to Art: 22nd as follows "If the Consul of the "United States delivers the Ship's papers to any vessel so that she "leaves the port before her duties are all paid, he shall be held "responsible therefor."

Art: 29th. "The sacred doctrines of Christianity, as professed by the Protestant and Roman Catholic churches, are recognized to be such as lead men to do good works and hereafter

all persons who peaceably preach and profess them, shall be treated with Kindness and protected in their faith. No insult shall be offered or permitted, nor shall such persons be forbidden to propogate and practise their faith. Citizens of the United States may enter and travel in the country from the open ports to preach their doctrines. The Consuls of the United States, after consultation with the local authorities along the coasts as to the proper number of persons so to be admitted to travel in the country, and ascertaining that persons applying for the same are —— Missionaries and citizens of the United States, shall grant certificates to that effect, which shall be their protection"

The above is according to the form contained in the Treaty with Russia, and together with the fifth article and the clause added to the Twenty second, are copied according to the forms sent us, and are all agreed to —

Despatch 28. Ex 1c
June 30. 1858

This

Kweiliang and Hwashana Imperial Commissioners and Plenipotentiaries of the Tai Tsing Empire &c &c herewith communicate our business:

On the 21st inst. (to day) the gentry and citizens here have petitioned us in a body stating; "That last night about 11 o'clock more than two foreigners came into the Ho-tien and Tau Streets, having fire arms and Knives in their hands, with which they cut and broke open the doors of a Shop and carried off some clothes, Killing a black dog and leaving behind them a pistol and a painted board, each with foreign letters on them, and three plain Silk handKerchiefs. The same night they broke open other houses, and this conduct has greatly alarmed the minds of all the inhabitants".

We have ourselves looked over the list of articles lost by the people, and seen the pistol and other things, so that there is no mistake about the matter; and herewith inform your Excellency, that you may ascertain to what nation the soldiers belong. We also earnestly request they may be restrained in future that the present good feeling be preserved, and on no account be suffered to repeat such acts, lest we be prevented from bringing the present negotiations to a Satisfactory conclusion. While we communicate this to each of the foreign ministers, we particularly request that your Excellency will take the necessary steps for making it effectual.

To His Excellency W. B. Reed

Envoy

Envoy Extraordinary and Minister Plenipotentiary

of the United States to China.

(Tientsin) June 21. 1858.

Dispatch 23 - Ex. 1st
June 30. 1858

June 30. 1858

Kweiliang and Hwashana. Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire, &c. &c. herewith communicate on business

On the 28th inst. we memorialised His Majesty informing him of the stipulations contained in the Treaties of Peace which we had signed and sealed with the ministers of the United States, Russia, England and France, and begging him to examine them.

We have to-day been honored by the receipt of an Imperial rescript, dated the 29th inst., to the following effect:—

"We have examined the memorial, and "fully understand it. This from the Emperor"

We accordingly inform your Excellency of the above, as is our duty.

To His Excellency W B Reed
Envoy Extraordinary and Minister Plenipotentiary U. S. A. in China

Dispatch 23. Exh 1a
June 30. 1858

Legation of the United States,
Tientsin, July 2. 1858

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States to China, has this morning received intelligence from the Consul of the United States at Canton, that an American citizen named Upton, had been murdered and decapitated by Chinese on his passage from Canton to Whampoa on the 18th of June. It is reported to the Undersigned that this act of outrage was committed at the instance of Chinese officials, if not with the approval of His Excellency the Governor-general, though it may be that there was no intention to assail Americans particularly.

The Undersigned, more than ever desirous to avoid difficulty or misunderstanding with the Chinese authorities at Canton or elsewhere, brings this unfortunate affair to the attention of their Excellencies the Imperial Commissioners in order that they may send orders themselves, or memorialize the Throne for orders, to the Governor-general at Canton to protect American citizens, and secure their lives and property. The Under-

signed begs it to be distinctly understood that any wanton or unexplained attack on the persons or property of citizens of the United States or its flag, will be immediately and severely punished. for their Excellencies are well aware that prompt and decisive redress for injuries is the duty and policy of his Government. There is now an American ship of war in the Canton river, and as the duty of her commander is to protect Americans at all hazards, it may be, that unless the Chinese authorities at once interpose to prevent these acts, difficulty may at any moment occur. The Undersigned begs this to be received as a most earnest and respectful warning.

He informs their Excellencies that he expects to leave Tientsin to-morrow morning, and desires that any communications for him may be addressed to him at Shanghai

William B. Reed

To their Excellencies Kweiliang & Hwashana.
Imperial Commissioners and Plenipotentiaries
of the Ta Tsing Empire.

Kweiliang and Hwashana, Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire, &c., &c., herewith reply.

We have to acknowledge your Excellency's communication of this day's date, in which you remark:—

"On the 18th of June an American citizen "named Upton was murdered and decapitated by "Chinese on his passage from Canton to Whampoa. "It is reported that this act of outrage was com- "mitted at the instance of Chinese officials, if not "with the approval of His Excellency the Governor "general, though it may be that there was no "intention to assail American citizens particularly.

"The Undersigned, more than ever desirous "to avoid difficulty or misunderstanding with the "Chinese authorities at Canton or elsewhere, brings "this unfortunate affair to the attention of their "Excellencies the Imperial Commissioners, in "order that they may send orders themselves, or "memorialize the Throne for orders to the Governor- "general at Canton to protect American citizens, "and secure their lives and property."

We now learn from the above what has

occurred at Canton, but we are ourselves unable to take any action upon it. There is no doubt, however, that the American Upston came to his death by an unforeseen casualty, as your Excellency has yourself clearly pointed out; for there is no cause of complaint or collision between China and the United States, which have long been on friendly terms. We will presently bring the case to the notice of His Majesty, that orders may be forwarded to the Governor-general at Canton to examine into the facts, and see that measures be taken to prevent a recurrence of such acts, in order that peace be preserved in future.

Any communication which we may have for your Excellency will be forwarded to you at Shanghai as you have proposed in the dispatch now under reply.

To His Excellency William B. Reed
Envoy Extraordinary and Minister
Plenipotentiary of the United States, China
July 2. 1858

Translated by S. Wells Williams

Decree ordering Kiying to be tied.

Though we, the Emperor, knew Kiying had many deficiencies, we still saw fit to appoint him to manage the affairs of foreigners, even though he expressed some doubts as to his own ability to fill the post. Before the great points in debate with the foreigners had been concluded, and without waiting for the expression of our will, he has had the presumption to return to the capital, by which act he has not only slighted our favor, but has put us to shame in the eyes of the world, and thereby in fact hastened his own death. Let San-ki-lin-tsin (the Mongol generalissimo) at once send a serjeant to bring Kiying in fetters, and when he is brought to Peking, let him be handed over to the General Council of State, that they may, in conjunction with the Imperial Clan and the Board of Punishments, examine him and then report to the Throne. The employment of Kiying was somewhat forced upon us on the present occasion, and we therefore hoped he would have done honor

to the trust. The Prince Hwui and others assured us of his capability, and yet the entire management of the affair has come upon Ourself. The mortification from not having better foreseen this result, is inexpressible; and these officers themselves shall not escape without some slight punishment for their indiscriminate praise of him. Let the general voice be listened to. Prince Hwui need no longer attend to the management of the palace and the Hall of Peace, but let him, with Prince Tsai-hwan and Twan-hwa of the Guards, be all handed over to the Clan Board for examination. The Cabinet Ministers Pang Wän-chang and Peh-tsin, Muhyin of the Board of Civil Office, and Tu-han of the Board of Works, are also all to be turned over to the proper Boards for examination and punishment. This from the Emperor.

Dispatch 23. Enc 3
June 30 1858

This

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States makes this friendly communication to their Excellencies, the Imperial Commissioners.

In January last the Undersigned received from their Excellencies Lord Elgin and Baron Gros, the Plenipotentiaries of England and France a box containing the treaty between the United States and the Emperor of China as signed at the village of Wang-hia on the 3d July 1844 and ratified by the President of the United States by and with the advice and consent of the Senate and bearing the great Seal of the United States and the original exchange of ratifications at Pwaw Tang near Canton on the 31st December 1845 by their Excellencies Kiying Imperial Commissioner and James Biddle, Commander in Chief of the Naval Forces and acting Minister and Commissioner to China of the United States of America. These papers were found in the Yamun of the Imperial Commissioner Yeh at Canton.

The Undersigned, when he received these papers informed their Excellencies the English and French Plenipotentiaries that he should retain them till an opportunity presented itself of restoring them to the Chinese Authorities. The time for this restoration has arrived and the Undersigned has instructed his Secretary of Legation Mr. Williams, respectfully to place these papers in your

Excellencies hands. The treaty of Wanghia is to a large extent superseded by the convention which the Undersigned yesterday had the honour of signing with your Excellencies - but it will always be a precious historical record, as that of the first written compact between two great nations of friendship which has never been - and the Undersigned earnestly hopes never will be — seriously interrupted.

In restoring these documents to your Excellencies the Undersigned begs leave to observe that had the treaty of Wanghia been deposited and kept at the capital, it would not have fallen into the hands of those who were temporarily engaged in hostilities with China. This cannot again happen as the faith of His Majesty the Emperor is now pledged to the United States that hereafter these treaties shall be deposited and safely kept in charge of the Privy Council at the Capital of the Emperor, where the Undersigned sincerely hopes an enemy may never come.

The Undersigned hopes to receive from your Excellency a written acknowledgment of the receipt of these documents which he may send to the President of the United States.

W. B. Reed.

To their Excellencies Kweiliang & Hwashana.

June 19. 1858.

Kweiliang and Hwashana Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire &c &c. herewith reply on business.

We have had the honour to receive at four o'clock this afternoon from the hands of Mr Williams, the Secretary of Legation, whom your Excellency has sent for the purpose, the original box containing all the documents relating to the old treaty signed at Wanghia - another proof of the friendly feelings existing on your part towards China - we shall most carefully retain them by us until we receive orders from Court respecting their disposal, when they will be as carefully handed over to the safe keeping of the Privy Council to be kept as a perpetual memorial.

To His Excellency W. B. Reed.
Envoy Extraordinary and Ministers Plenipotentiary
of the United States to China

June 19th 1858.

Dispatch 23. Enc. 5
June 30. 1858

This

Legation of the United States

Tientsin, June 19th 1858.

My Lord,

I have the honour to inform your Excellency that on the 18th inst. I signed a Treaty on behalf of the United States with the Chinese Imperial Commissioners.

I shall have the honour to furnish your Excellency with copies in English and Chinese of this Treaty as soon as they can be prepared.

I have the honour to be

My Lord,

Your Excellency's

Obedient humble servant

William B Reed

To His Excellency

The Earl of Elgin & Kincardine

H. B. M. High Commissioner

&c &c &c

(Similar note sent to Baron Gros Count Poutiatine)

Dispatch 23. Ex. 6
June 30. 1858

This

Tientsin June 19. 1858

Sir,

I beg to acknowledge the receipt of your Excellency's letter of this day's date, informing me that on the part of the United States, you have signed a treaty with the Chinese Imperial Commissioners.

I have the honour to be

Sir.

Your Excellency's

most obedient

Humble Servant

Elgin & Kincardine

His Excellency

The Honble W. Reed.

Exh. 7.

(Translation.)

Tientsin, June 19, 1858.

Mr. Minister: I have the honor to communicate herewith to your Excellency a correct translation of the treaty concluded between Russia and China on the ~~13th~~ 1st of June, and I request you to be pleased to excuse me for not having sent it to you sooner, the despatch of a courier to St. Petersburg having taken up all our time.

In the course of our previous communications and of our frequent conversations on a subject which interests us both to the same degree, I have already had occasion to make known to your Excellency the various peculiarities connected with our new treaty with China; and I think I may be exempted from entering here into further details on this subject.

It is with the greatest satisfac-

tion that I have received from your Excellency the despatch which announces to me the conclusion of the treaty between China and the United States of America; and I hasten to send you my most sincere congratulations on the happy termination of this affair.

Be pleased to accept, Mr. Minister, assurances of the very distinguished consideration with which I have the honor to be your Excellency's very humble servant,

Ct. Poutiatine.

To his Excellency
Mr. Reed,
Envoy Extraordinary and Minister
Plenipotentiary,
&c., &c., &c.

Dispatch 28. Exh. 7
June 60. 1858

Tientsin, le 19 Juin, 1858.

Monsieur le Ministre,

J'ai l'honneur de communiquer ci-joint à Votre Excellence une traduction exacte du traité conclu entre la Russie et la Chine le 1/13 Juin, et je la prie de bien vouloir m'excuser de ne l'avoir pas envoyé à Elle plutôt, l'expédition d'un courrier pour St. Petersbourg ayant pris toute notre temps.

Dans le cours de nos communications antérieures et dans nos conversations si fréquentes sur un sujet qui nous intéresse tout deux au même degré, j'ai déjà eu l'occasion de faire connaitre à Votre Excellence les différentes particularités qui concernent notre nouveau traité avec la Chine et je crois pouvoir me dispenser d'entrer ici dans plus de détails à ce sujet.

C'est avec la plus grande satisfaction que j'ai reçu la dépêche de Votre Excellence qui m'annonce la conclusion du traité entre la Chine et les Etats

A Son Excellence Mr. Reed,
Envoyé Extraordinaire et Ministre Plénipotentiaire,

Unis de l'Amérique, et je m'empresse de vous faire parvenir mes félicitations les plus sincères sur l'heureuse terminaison de cette affaire.

Veuillez agréer, Monsieur le Ministre, les assurances de ma considération très distinguée avec laquelle j'ai l'honneur d'être

de Votre Excellence

le très humble serviteur

Cte Pontiatine.

Dispatch 23. Exh. 8
June 30. 1858

Legation of the United States

Tientsin June 21. 1858.

Monsieur le Comte,

I have the honour to acknowledge the receipt of your letter of the 19th, inclosing me a copy of the Treaty negociated by your Excellency with the Chinese Commissioners.

I now transmit to your Excellency, a copy in English of the Treaty of the United States and shall send one in Chinese so soon as it can be prepared. If possible I shall be glad to have a copy of your treaty in Chinese.

Your Excellency will observe that in my treaty there is no provision for liquidating the claims for loss of property at Canton.

The Chinese Authorities desired to refer them for settlement to the place where they occurred, and with the distinct understanding that the rule should be equally applicable to all, I agreed to it. I understand your Excellency has adopted the same rule with reference to the Russian factory property destroyed on the frontier.

I have the honour to be

Monsieur le Comte, Your Excellency's

most obedient Servant

William B. Reed.

To His Excellency

Monsieur le Comte Poutiatine,

Imperial Commissioner

Dispatch 23. Ep. 9
June 30. 1858

Legation of the United States,

Tien-tsin, June 21. 1858.

My Lord,

I have the honour to send you copies in English and Chinese of the treaty, which on the 18th inst. I signed with the Imperial Commissioners.

You Excellency will observe that no express provision is made for the adjustment and liquidation of the claims of American citizens for losses at Canton, the Chinese Commissioners insisting that whatever responsibility existed should be enforced where the losses occurred. If after all that has happened the Chinese chose to invoke and insist on such a principle, I was not disposed to press the matter further though I forbore only on the assurance voluntarily given to me that the same principle would be applied to all.

Anticipating this view of local responsibility, I advised my government in January last of what would probably occur, and I am in daily expectation of instructions on this point which will determine how and to what extent this local responsibility shall be enforced.

I

To His Excellency

The Earl of Elgin & Kincardine

&c &c &c

I only mention this to your Excellency because in the Sketch of a treaty which I informally sent to you some weeks ago, a provision with regard to these claims was inserted, and I desire to inform your Excellency why it was withdrawn.

I have the honour to be

My Lord,

Your Excellency's

most Obedient Servant

William B. Reed.

(A similar note sent to Baron Gros)

Dispatch 23. Exh. 10
June 30. 1858

this

Tientsin June 22 1858

Sir,

I beg to acknowledge the receipt of your letter of yesterday's date, enclosing copies in English and Chinese of the Treaty which your Excellency signed on the 19th Inst. with the Imperial Commissioners.

I have the honour to be

Sir.

Your Excellency's

most obedient

humble servant

Elgin & Kincardine

His Excellency

The Honble W. B. Reed.

Exh. 11.

Extraordinary Mission of France in China,
Tientsin, June 22, 1858.

Mr. Minister: I received on the 19th of this month the letter which yours Excellency did me the honor to write to me on the same day for the purpose of announcing to me that on the 18th you had signed, for the United States, a treaty with the Chinese Commissioners, and that you would send me a double copy, English and Chinese, of this treaty, as soon as the two documents should be ready.

I hasten to announce to your Excellency that this package reached me yesterday, together with the letter which your Excellency was pleased to write to me on the 21st, and I thank you for that communication.

I have the honor to be, Mr. Minister, with high consideration,

your Excellency's very humble and
very obedient servant,

B.on Gros.

To his Excellency
Mr. William B. Reed,
Envoy Extraordinary and
Minister Plenipotentiary
of the United States
in China.

Dispatch 23. Gp. 11.
June 30. 1858

Mission Extraordinaire

De France en Chine.

Tien-tsin le 22 Juin 1858

Monsieur le Ministre,

J'ai reçu, le 19 de ce mois, la lettre que Votre Excellence m'a fait l'honneur de m'ecrire le même jour pour m'annoncer que, le 18, Elle avait signé, pour les Etats-Unis, un traité avec les Commissaires Chinois, et qu'Elle m'enverrait une double copie, anglaise et Chinoise, de ce traité, dès que ces deux documents seraient prêts.

Je m'empresse d'annoncer à Votre Excellence que cet envoi m'est parvenu hier avec la lettre que Votre Excellence a bien voulu m'ecrire le 21, et je la remercie de cette communication.

J'ai l'honneur d'être avec une haute considération,

Monsieur le Ministre,

de Votre Excellence,

le très humble et très obéissant serviteur

Bon Gros.

A Son Excellence Monsieur William B. Reed,

Envoyé Extraordinaire et Ministre Plénipotentiaire

des Etats Unis en Chine

Dispatch 23 - Ex 12
June 30. 1858

No 1

Tientsin June 28. 1858

Sir,

I have the honour to inform your Excellency that on the 26th Inst. I signed a Treaty on behalf of Great Britain with the Chinese Imperial Commissioners.

I shall have the honour to furnish your Excellency with a copy of this treaty as soon as it can be prepared.

I have the honour to be

Sir,

Your Excellency's

most obedient

humble Servant,

Elgin & Kincardine

His Excellency

The Honble W.B. Reed

&c &c &c

Rec'd 11. Oct. Mr Dennis

Official No 24.

Legation of the United States
Tientsin. July 1st. 1858.

Sir,

I have much pleasure in informing you that, besides the Treaty which was recently signed, I have succeeded in effecting an arrangement for the prospective liquidation of the claims of American citizens for losses &c at and in the neighbourhood of Canton. I have been able to do this, conscious throughout of a little embarrassment from the silence of the Government at home, and from my having no answer to my urgent dispatch of the 1st of February last, (No 7) on this subject. My last communication from the Department is dated the 17th January, although I have private letters of as late a date as April 12th. I cannot describe the perplexity which, especially on this subject of the

claims

To the Honourable Lewis Cass
Secretary of State
Washington

claims, this silence has occasioned ~~to~~ me.

Still, enlightened or not as to the views of the Government, it was my duty to do my best to persuade the Chinese Plenipotentiaries to agree to some provision for these claims. The correspondence will show that at Taku, and in the early part of the negotiations here, the Chinese persevered in denying not only all responsibility on the part of the Imperial Government, but all power or inclination to controul the local authorities at Canton. They assured me throughout that this was the case, and they should be obliged to apply the same rule to the English and French. Accepting this assurance, and besides not supposing myself to be at liberty to refuse to sign a treaty of general interest and obligation, because claims for a relatively inconsiderable amount could not be provided for, I allowed the negotiations to proceed, taking care to make my acquiescence depend on the conduct of the Chinese to the belligerents. I found, on conference with Count Poutiatine that the claims of his government for the destruction of property at a factory on the Siberian frontier were to be postponed in the same way; and with the same understanding the Russian and American treaties were signed.

No sooner was this done than I thought

it

it best to have a distinct understanding with the Commissioners on the subject; and I availed myself of the opportunity of what was meant to be a farewell visit, to bring the matter of the claims directly to their view. The correspondence will show how it was at first received, and how naturally they resorted to what seemed to them the dexterous evasion of inferring the abandonment of the claims from my withdrawing the article from the rough draft of the treaty. This I at once corrected, and made them a proposition by which a gradual liquidation of these claims could be made without any acknowledgment of Imperial responsibility, or any undue pressure on the resources of the government. To the claimants it is quite immaterial whence the payment comes; and I am satisfied, looking to the enormous and oppressive demands which the belligerents are about to make, that it would be bad policy and doubtful morality to press unduly this disorganized and bankrupt government. I have every reason, besides, to think that even those claims will be referred for ultimate settlement to Canton, and that something like a hypothecation of the commercial revenue will be made. Since the date of my last dispatch, I have

seen

seen the article of the French treaty on the subject of claims, and find it is all referred to Canton. The English and French, of course, have the advantage of holding that city as a pledge or material guaranty; but as I informed you in a former dispatch, the revenue from customs there is ostensibly at least collected for the benefit of the Chinese.

Of course no one could say how long this might continue, and the plan occurred to me of procuring from the Imperial Commissioners, under their seals, an appropriation of a portion of their revenue to our benefit. By giving notice of such appropriation, as I have done, to the English and French, I have to this extent, prevented any hypothecation to our disadvantage. I thought one fifth of the gross duties on goods in American bottoms and tonnage dues moderate and sufficient, my great object being not to press the government to desperate insolvency. With the extension of this to the revenue at Fuhchau and Shanghai, every claimant should be satisfied. According to the best estimate now, the claims, assuming them to amount to the sum stated in the agreement, will be liquidated in four or five years; but I cannot speak with

entire

entire precision, being separated from accurate statistical information.

To this the Commissioners assented, and the agreement will be found in our several letters of the 22nd, 23rd, 24th, 25th, 26th, 27th and 30th inst. (Inclosures 1 – 9) I consider it, and mean to insist on it as a perfect agreement, and appropriation of the funds, subject to the one limitation that the aggregate amount is to be investigated subject to the supervision of an officer specially appointed. That there should be such an investigation is manifestly proper; the United States would require it even if the Chinese did not; and its result may be, and I sincerely hope will be, to reduce the amount.

I learn from Baron Gros that some arrangement of the same nature and in the same form is contemplated for the French indemnity; and this mode is preferred for the Chinese reason, that if such stipulations are put into a treaty and promulgated, it would disparage the negotiators in the popular mind.

Having procured this stipulation, which has been sealed with the same seal that was affixed to the Treaty (seals being momentous signs with orientals) the plan which I propose to adopt is this: to wait with entire good faith till business

be

be restored at Canton, not necessarily till the restoration of the city, which may be deferred, but till revenue from customs shall be in full receipt, and then, under the authority of these stipulations of the Imperial Commissioners, to retain if necessary, from the duties the proportion agreed upon simultaneously at the three ports. At the same time I shall invite and promote the thorough investigation of the amount by the local authorities. In enforcing this I may need the presence of the squadron at the different ports to assert our rights, not only against the Chinese if they show a disposition to evade their obligation, but to show to other nations that our interests must be protected.

I hope this mode of action will meet with the approval of the President. It seems now to be well understood, and willingly agreed to by the Chinese. It is a matter of great gratification to me that I have been enabled in this also to effect a peaceful arrangement, for I am satisfied that no other could be attempted here; and that the only alternative must be the coercion which I once thought would be inevitable. Let me, however, be understood

as

as distinctly saying that whoever begins or carries through the execution of this or any other arrangement, must do it with a steady hand.

I have the honour to be

Sir,

Your obedient humble servant

William B. Reed

Dispatch 24 - Enc. 1
July 1. 1858

The Undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States, received this morning your Excellencies letter of the 21st relating to an attack and depredation of some unknown sailors or soldiers on the property of citizens of Tientsin. The Undersigned immediately directed enquiry made and found that no one of his small escort of sailors and marines or of the men on the chartered steamer which accompanies him had anything to do with it, and it is hardly necessary for him to say that it would be a matter of extreme mortification to the Undersigned if any person in the service of the United States should do any wilful wrong to the inhabitants or authorities of Tientsin, whose whole conduct towards the Undersigned and those who accompany him has been that of hospitable Kindness.

The Undersigned avails himself of this opportunity to beg that he may have another interview on business with their Excellencies, the Imperial Commissioners - & that the deputies who arranged the details of the treaty may again meet, if possible to day or to morrow - His object is this:

In the discussion of the treaty so happily concluded between the United States and China, the Undersigned brought to the notice of your Excellencies, the subject of claims for indemnity for injuries done at Canton and in the South of China - Your Excellencies reply as contained in a memorandum given to Mr. Williams, was that the Imperial Government was not responsible

for

for what was done at the outside province but that the local authorities must make good any injuries their acts had occasioned. On the 16th of June the Undersigned addressed a note to Your Excellencies in which he said "He regrets that the Imperial "Commissioners will not consider and provide for the claims of "citizens of the United States for losses at Canton, but he defers "the consideration of them for the present and if the same rule be "applied to the claimants of other nations, he is willing to discuss "them with the Commissioners at Canton"

To this decision he yet adheres but he shall be glad to have this understanding put in a definite form - for he very frankly says to your Excellencies, that if the claims for private pecuniary injury done to English or French be admitted to be binding on the Imperial Government and not those of the United States, it will be a great wrong. He is quite willing - if all are put on an equal footing, to have it settled hereafter in the South, but he wishes to have it expressly agreed to - This is but justice to those who have been friends of China.

He desires to have this arranged as quickly as possible as he is desirous to return at as early a period as possible to his Ships at the outer anchorage -

June. 22d. W. B. Reed.

To their Excellencies Kweiliang & Hwashana

L L L

Kweiliang and Hwashana, Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire &c &c hereby reply.

We received your Excellency's communication of yesterday about the affair of the robbery of the common people by some sailors, and are happy to learn that your Excellency has good proof that none of the marines or sailors of the United States have had anything to do with it and that orders had been issued that they should observe peaceful conduct in all their intercourse with our people; for which we tender our hearty thanks.

We received the expression of your willingness to take out the article in the treaty about indemnity for claims, and when we had the last interview on the 18th inst. at the signing and sealing of the Treaty, there was nothing said by either of us about any other topic, which also showed the belief we had about this point — At this commencement of the relations we have entered into in the treaty, we did not suppose your Excellency was desirous to resume negotiations upon any subject and this topic of indemnity for losses which was taken out of the articles of the treaty, having been already settled between us, any arrangement which we may enter into with the English

and

French about these claims can hardly be brought forward as a [precedent for] comparison.

To His Excellency W. B. Reed.

Envoy Extraordinary and Minister Plenipotentiary of the United States to China.

June 23. 1858

Dispatch 24 - Eg 3
July 1. 1858

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has received the communication of Your Excellency and renews his request for an interview or for a meeting of the deputies.

It is not for the purpose of reopening negociations but in order to have a distinct understanding that the claims of American citizens shall be referred to Canton on exactly the same footing as the English. He will be satisfied to have this in writing

W. B. Reed

June 23d 1858.

To their Excellencies

Kweiliang and Hwashana

&c — &c — &c

Dispatch 24. Enc 4
July 1. 1858

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to inform your Excellencies that it is his intention to leave Tientsin to-morrow morning in order to go on board the squadron now at anchor off the mouth of the Pei-ho. He proposes to pay a farewell visit to your Excellencies this evening at 6 o'clk at such place as may be indicated by your Excellencies for that purpose. He will be accompanied by the officers of his country who are now in attendance with him here

William B Reed

To their Excellencies Kweiliang and Hwashana,
Imperial Commissioners &c &c

Legation of the United States,
Tientsin June 24. 1858

Dispatch 24. Ex. 5
July 1. 1858

Kweiliang and Hwashana, Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire, &c. &c. herewith reply.

Having a discussion with the deputies of both the English and French ministers today upon the articles of their treaties, we shall be unable to meet your Excellency this evening as you propose; but we shall be pleased to have you repair to the temple of the God of the Wind to-morrow morning at 7 o'clock, where we will meet you and commend you on your journey with a farewell collation.

To his Excellency W. B. Reed
Envoy Extraordinary and Minister Plenipotentiary of the United States

June 24. 1858

Kweiliang and Hwashana, Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire, &c &c herewith reply.

At the interview held this morning we received from His Excellency W B Reed, the American Minister, a written memorandum to the following effect:-

"The present article about indemnity for "losses must be considered as of the same force "and virtue as if it was embodied in the treaty "with the United States and formed a part of it. "His Majesty the Emperor of the Ta Tsing Empire, "acknowledging the complete neutrality of the "United States in the hostilities which have occurred in the province of Kwangtung, and desirous to put her citizens on an equality with "those of other nations, agrees that their claims "for indemnity, to the amount of 600,000 taels, "shall be liquidated by deducting one-fifth of "all the tonnage, import and export duties which "are paid by American ships at the three ports "of Canton, Fuhchau and Shanghai; and the "sums thus accruing shall be applied to indemnify the losses suffered at Canton, Whampoa, "and on the island of Honan and thereabouts. "The amount which shall be deducted each

"year

"year by the consuls at those ports for this
"purpose shall be reported to the Minister of
"the United States then in China; and the
"latter agrees to inform the high Chinese
"officers of the same every year, that they may
"know when the whole is entirely paid up."

We have now learned that this stipulation was withdrawn from the treaty before it was signed, and the reasons therefor; but as we have no data by which to determine the amount of the claims, we refer that to the Governor-general at Canton to investigate and decide.

To His Excellency W B Reed
Envoy Extraordinary and Minister Plenipotentiary of the United States.

June 25. 1858

Translated by S. Williams

Dispatch 24. Ey. 7
July 1. 1858

Legation of the United States.
Tientsin, June 26. 1858

The Undersigned has received the communication of their Excellencies relating to indemnity for American claims and the proper mode of their settlement, as follows:-

(The preceding reply is here quoted entire)

The Undersigned understands that the reference to the Governor-general at Canton is that he may ascertain the precise amount of the claims, and that he shall inform the collectors at Canton, Fuhchau and Shanghai, that after business is resumed at Canton, one fifth of all the tonnage, import and export duties paid by American ships at those ports shall be deducted and applied to the payment of those claims; and that the Governor-general at Canton shall appoint a special officer to investigate them.

If this be the understanding of their Excellencies, the Undersigned will accept it unreservedly. He expects an immediate answer.

W. B. Reed.

To Their Excellencies, Hoeiliang and Hoashana.
Imperial Commissioners &c &c

Kweiliang and Hoashana, Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire, herewith reply.

We have to acknowledge the dispatch of the 26th inst., relating to the subject of indemnity of claims of American citizens to the extent of six hundred thousand taels. Your Excellency deems the concluding sentence [of our dispatch of the 25th inst.] viz. "that the Governor-general "shall investigate and decide," not to be very clearly stated, and you request that the following addition may be made to it:

"That the reference to the Governor-general "at Canton is that he may ascertain the precise "amount of the claims, and that he shall in- "form the collectors at Tuhchau and Shanghai, "that after business is resumed at Cantow, "one fifth of all the tonnage, import and export "duties paid by American ships at those "three ports shall be deducted and applied to "the liquidation of these claims; and that the "Governor-general shall appoint a special "officer to investigate them."

We have examined the preceding proposition, and as it appears to be a proper one, will accordingly communicate the same

to

to His Excellency the Governor-general at Canton, that he may carry its stipulations into effect and inform the collectors.

To His Excellency William B. Reed.
Envoy Extraordinary and Minister Plenipotentiary of the United States, in China

June 27th 1858

Translated by S.W. Williams

Dispatch 24 - Ex 9
July 1. 1858

Legation of the United States
Tientsin. June 30th. 1858.

The Undersigned Envoy Extraordinary and Minister Plenipotentiary &c &c has the honor to acknowledge their Excellencies' communications of the 25th and 27th insts. in reference to the mode of liquidating the claims of citizens of the United States against the Chinese Government, and has much pleasure in expressing his satisfaction with the arrangement now concluded, and which he has no reason to doubt will be carried out in good faith.

The negotiations proposed by the Undersigned last year to H. E. the Governor-general at Canton, and begun at the mouth of this river, have now been brought to an amicable close, and he hopes that nothing may hereafter occur to disturb the friendly relations which exist between the governments and people of our respective countries. The present seems to be a suitable time, therefore, to present a few topics to the serious consideration of the Government of His Imperial Majesty, the great importance of which will excuse the Undersigned in bringing them forward. Their advantages can hardly fail to be perceived.

The recent negotiations at this city must

have

have shown to the Officers of His Majesty's Government their need of competent Interpreters to understand the speech and read the books of other nations, especially of those using the English and French languages. While persons from Western countries are taught the languages of China, the Emperor has none of his own people who can help him to understand their speech, and he is consequently wholly unable to ascertain their designs or learn their condition. This was not so in the reigns Kanghi and Kienlung, when the Emperor employed many persons, both foreign and native, to assist in this way. The rulers of even small countries like Siam, Burmah, and Japan, employ many of their subjects to assist them, and translate the books and letters of other countries; and the brothers, who are Kings of Siam can themselves read English books. If the Emperor wishes to educate Chinese youths to read English and French books, he can easily employ foreigners to teach them those languages. At Shanghai and elsewhere in China, schools have been established to which the Government can send young men to qualify themselves as interpreters and translators and thereby derive great benefit from their knowledge of science and arts.

The opening of the ports on the coast and partial

opening

opening of the rivers of China to foreign commerce, will require the Government of the empire to take new measures of protection against lawless foreigners and to strengthen its own officers in the discharge of their duties. The employment of foreign ships and steamers by natives of China is now discouraged if not prohibited by the Imperial Government, and they are compelled to sail them under foreign flags, which is an injustice to them. If the Government will proclaim to its subjects that all the foreign ships and steamers they own are permitted to go everywhere in China, just the same as native boats, and that all the people on board are subject to the Emperor's laws, then the people will reap great advantage, and not be exposed to illegal extortions; grain and goods could be more quickly and safely carried from the provinces to the capital and from city to city, and not be destroyed by pirates. The Siamese and Japanese derive many benefits by using such vessels, knowing that it is much better to use the new when it is good and not adhere to the old when it is bad. If these nations employ such vessels how much more should China do so! The Undersigned is sure that His Majesty would derive great benefit by allowing his subjects freely to go in foreign steamers and ships, which they have bought or built, everywhere in his empire;

and

and it would prevent foreigners going in their own vessels to places not allowed in the treaties.

The establishment of a mint for the coinage of a uniform gold and silver currency has been already recommended by the Undersigned to His Majesty's Officers; and if they will reflect on the subject again, its importance will be very apparent, while it could easily be carried into operation.

The emigration of Chinese subjects to foreign countries demands the earnest attention of the Imperial Court. Thousands of poor people in the southern provinces of the Empire are dying, or in great distress for food and labor, and wish to go to other countries to find both. If the Chinese authorities will assist in regulating the emigration of their subjects, the present evils and suffering can in a great measure be stopped. The Undersigned has already done all he can to stop the business, but these efforts will all be in vain unless the authorities assist to prevent the poor people of the country from being taken away under false pretences, and stop ships laden with such persons from sailing away. The Consuls of the United States will always assist the local authorities in carrying out good laws so far as they can do so, but they cannot interfere with the conduct of people not under the protection of their flag.

The

The Undersigned makes these few suggestions to the High Commissioners for their serious consideration, believing them to be very important, and if adopted highly advantageous to China. The Government of the United States will always rejoice in the prosperity of China, but it is necessary that China should help herself. The proverb says, He that does not foresee danger in time will have it near at hand. The treaties just concluded will bring great evils or great benefits upon China; by careful foresight the evils can be greatly lessened. If the Imperial Government refuses to learn, the benefits will be lost, and the evils will increase, until all be destroyed and anarchy prevail over the Empire.

The Undersigned avails himself of this occasion to wish their Excellencies the enjoyment of every happiness.

William B. Reed

To their Excellencies Kweiliang & Hwashana Imperial Commissioners & Plenipotentiaries

Dispatch N: 24. Ex 10
July 1. 1858

Legation of the United States

Tientsin June 28th 1858

My Lord,

I have the honour to inform Your Excellency that on the 26th instant, I concluded an arrangement with the Imperial Commissioners by which the claims for American losses in the destruction of property at Canton and its vicinity - after the precise amount, now stated in the aggregate at Six hundred thousand Taels, shall be ascertained - are to be paid by the appropriation of one fifth of the gross duties at Canton, Fah-chau and Shanghai, on goods laden in American Ships and tonnage dues.

My object in this arrangement has been to impair as little as possible the Resources of the Chinese Government, and at the same time to direct the application of a portion of the duties contributed by the United States to indemnify her citizens.

I have the honour to be

My Lord,

Your Excellency's

Obedient humble Servant

William B. Reed.

To His Excellency,

The Earl of Elgin & Kincardine

H. B. M. High Commissioner

&c &c &c

(The same sent to Baron Gros, & Count Poutialine).

Dispatch 24. Enc. 11
July 1. 1858

Tientsin, June 30. 1858

Sir,

I have the honour to acknowledge the receipt of your Excellency's letter of the 28th inst. informing me that you have concluded an arrangement with the Imperial Commissioners for the liquidation of the claims for American losses in the destruction of property at Canton and its vicinity

I have the honour to be,
With great truth and regard
Sir
Your Excellency's most Obedient
Servant
Elgin & Kincardine

H. E. Hon. W B Reed
&c &c

Dispatch 24 - Ex 12
July 1. 1858

Mission Extraordinaire
de France en Chine
Tientsin, le 29 Juin. 1858

Monsieur le Ministre

J'ai reçu hier la communication que Votre Excellence m'a fait l'honneur de m'addresser pour me faire connaître l'arrangement qu'Elle avait conclu avec les Commissaires Impériaux au sujet des indemnités réclamées par les Etats Unis pour compenser les pertes éprouvées par leurs citoyens dans Canton et dans les environs.

Je remercie Votre Excellence d'avoir bien voulu me faire cette communication et je m'empresse à mon tour de lui annoncer que le 27 de ce mois, à six heures du soir, j'ai signé avec les Commissaires Impériaux le Traité dont les négociations se poursuivaient activement depuis quelques jours.

Dès que les copies que je fais faire de ce document en français et en chinois seront terminées j'aurai l'honneur d'en faire parvenir une à Votre Excellence

J'ai l'honneur d'être,

Monsieur le Ministre,

de Votre Excellence

le très humble et très

obéissant Serviteur

(Signé) Bon Gros

À son Excellence, Monsieur W B Reed

Envoyé extraordinaire et Ministre

Plénipotentiaire des Etats Unis d'

Amerique en Chine, &c &c



Rec'd 11. Octr. Mr Dennis

Official
No. 25

Legation of the United States.

Tientsin. July 2. 1858

Sir,

The Mail from Europe arrived this morning bringing American dates to the 25th April; and for me, from the Department, a blank envelope containing a communication from M. Stoeckel to His Excellency Count Poutiatine, which has been delivered.

His Excellency the French Minister has just read to me a dispatch from Count de Sarliges to Count Walewski, containing the information that the President had approved my conduct in uniting peacefully with the Allies; and Lord Elgin soon after informed me that he had the same intelligence from

V

To the Honorable Lewis Cass

Secretary of State

Lord

Lord Napier.

Thus am I left in a position of mortifying dependance on others for the news I so much desire as to the views of my own Government.

Count Sartiges' letter is dated at Washington 19th April. My last from you is the 8th of February

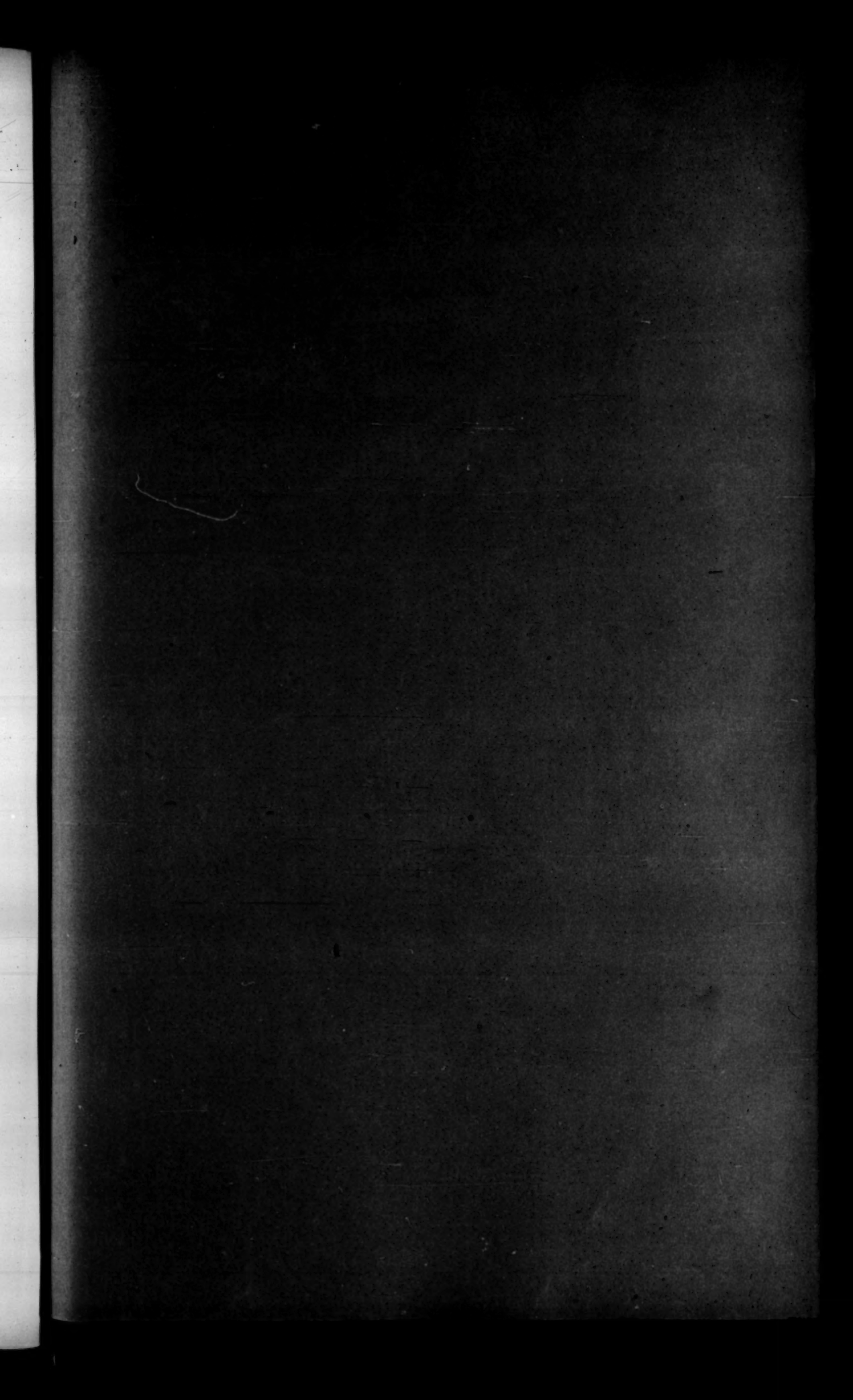
It is my intention to return to the outer anchorage to-morrow in the Russian steamer "Amerika", and thence to proceed as soon as possible to Shanghai in the "Minnesota"

I have the honor to be,

Sir,

Your Obedient Servant

William B. Reed.



Recd Nov. Oct. Mr Dennis

Official No: 26

Legation of the United States.
Shanghai, July 13. 1858

Sir.

Herewith I have the honor to forward you the items of the expenditures connected with the visit of the American Legation to the Gulf of Pichili and Tientsin during the last three months, amounting in all to $3207.35, arranged under four accounts, and each certified by its proper voucher. These outlays all properly come under the head of extraordinary expenses, and in conformity with my instructions from the Department, dated June 22. 1857, I have drawn for them from the special Contingent Fund of Ten Thousand Dollars placed at my disposal at the United States' Bankers in London, in my bill at 30 ds of this days date upon Messrs Baring Brothers & Co. for Eight Hundred and Fifteen Pounds Four shillings stg. (£815.4) being the equivalent of

To the Honorable Lewis Cass.
Secretary of State

$3207.35. at the current rate of exchange at this place of Five Shillings & One Penny (5/1d) per Dollar, as per annexed certificate

I have the honor to be
Sir,
Your Obedient Servant
William B. Reed

Vouchers annexed.

1. Certificate of Exchange
2. Copy of letter of advice to Baring Brothers & Co.
3. S. W. Williams Bill of Incidental Expenses $1158.75
4. W. A. P. Martin's receipt for 4 months pay 600.00
5. M. Lamond's receipt for 2 months charter of his tender 1335.00
6. A L Freeman's receipt for bill of expenses in taking dispatch to Suchau 113.60

Total $3207.35

Voucher, N°: 1.

Copy of this certificate to be taken out by Capt. Sept

Certificate of Exchange

We hereby certify that the best obtainable for bills of Exchange on London this day is Five Shillings and One Penny per Spanish Dollar

Shanghai. July 13. 1858

Russell & Co

Rec'd 11. Octr. Mr Dallas

Official No 27.

Legation of the United States
Shanghae. July 13. 1858

Sir,

I have the honour to apprize you of my arrival here on the 11th inst, having left Tientsin on the 3rd and the anchorage in the Gulf of Peheli on the 6th inst. Lord Elgin arrived here on the 12th. Baron Gros and Count Poutiatine are still in the North though it is understood negociations are amicably closed.

I yesterday received from Lord Elgin a copy of the British Treaty accompanied by a letter which with my answer I now forward (Inclosures 1 & 2) and from which the President will see that whatever slight interruption of harmonious action may have occurred, the end is a restoration of entire friendly feeling between the Representatives of Western Powers and full justice to the exertions of all.

By

The Honourable Lewis Cass
Secretary of State
Washington

By the next mail I shall forward copies of the Russian, English and French Treaties with such comments as, in my opinion they may need.

I have the honour to be

Sir,

Your obedient Servant

William B. Reed

Tientsin. July 5th. 1858

Sir,

I have the honour to enclose for the information of Your Excellency the copy of a treaty between Great Britain and China signed on the 26th ultimo by me on behalf of Great Britain and by the Imperial Commissioners Kweiliang and Hwashana on behalf of China; and approved by a Decree of which a copy was transmitted to me yesterday by the Commissioners.

In communicating this Document to Your Excellency, I venture to express the hope that the new arrangements with China which we have been together engaged in effecting will prove to be no less conducive to the Interests of that Empire than to those of the nations which have trading relations with it.

I have the honour to be

Sir,

Your Excellency's

most obedient humble servant

Elgin & Kincardine

His Excellency
The Honble W. B. Reed

&c &c &c

Legation of the United States
Shanghae July 12th 1858

My Lord,

I had the honor yesterday of receiving your Excellency's letter dated July 8th at Jeishen and thank you for the copy in English of the Treaty which on the 26th ult you signed on behalf of Great Britain with the Imperial Commissioners Kweeliang and Hwashana.

I beg to assure your Excellency that I cordially unite in the hope that the new arrangements with China which we have been together engaged in effecting will prove to be no less conducive to the interests of that Empire than to those of the Nations which have trading relations with it.

My countrymen, especially those engaged in commerce have reason to thank your Excellency

To His Excellency
The Earl of Elgin and Kincardine

Excellency for the enlarged privileges you have secured for subjects of Great Britain and which, under the Most favored clause will ensure to citizens of the United States. I am confident your Excellency will feel with me the new responsibility which these enlarged privileges impose on all who derive benefit from them, and who will be placed in still closer contact with this peculiar and relatively helpless people. To my own government I have strongly represented the duty which, in my judgment devolves on it of enforcing on American citizens the obligation to respect not only the treaty stipulations but the laws of the Empire.

I beg further to say to your Excellency that I have counselled the Government at home to designate Shanghai as the place where the Legation of the United States is hereafter permanently to be and to direct the exercise of the right of occasional visit or longer sojourn at the capital with great-

observe and only on occasions of grave
importance

I have the honor to be
My Lord
Your Excellency's
Obedient Servant
William D. Beck

23d Oct. 58

Legation of the United States,
Shanghai, July 13. 1858

Sir,

I have the honor to acknowledge your dispatch of 11th Feb. 1858, in which you direct me to deduct the amount which had been paid on my draft of Nov. 11. 1857, on the Department of $1151.32, equivalent in China to $875, from the quarter's salary, and draw on the Bankers for the balance. This last expression left it in some doubt whether the loss by exchange was to be included in the bill upon London, or whether only the balance of $375. I have done the latter in conformity to the usual practice, drawing on the Messrs. Barings for £77.9.7, equivalent to $375 at $4.84 per £, and for the loss by exchange, which by the inclosed certificate is $100.21, by a draft at 30 ds on the Department in favor of R. S. Williams, in which I trust I have made no mistake, and that you will duly honor the same.

In reference to the construction of the Act of Aug. 18. 1856 in the question here involved, I respectfully suggest the opinion of the Attorney-General be

To the

Hon'ble Lewis Cass.
Secretary of State

be transmitted to this Legation, as it is very likely to occur again on the departure or death of the Commissioner. Allow me to add that my draft of November was sent to the United States with a note of the circumstances under which it was drawn, and I supposed that the Department would refuse payment if there was no sufficient authority for the draft.

I have the honor to be,
Sir,
Your obedient Servant
S. Wells Williams

Account Sales of Exchange drawn by S. Wells Williams,
ecretary and Chinese Interpreter to the Legation to China

48			
e 30	One Bill on Baring Brothers & Co. for £77-9-7 stg. @ 5/1? per dollar equal to	$304	85
	One Bill on State Department for sum of $100.21 for loss by exchange on the above at 30 per cent discount equals	70	15
	Two bills equal	$375	–

C. & O. C.

Legation of United States,
Shanghai. July 13. 1858

Certificate

We hereby certify that the rate of Exchange in Shanghai for bills on London on the 30th. day of June 1858 was five Shillings and One Penny (5/1?) per Spanish dollar: and that the rate of exchange for drafts on the State Department at Washington U. S. was Thirty per cent. discount on the dollar in Washington

Shanghai. July 13. 1858 Russell & Co

Re— 11. Oct.. Mr Dennis

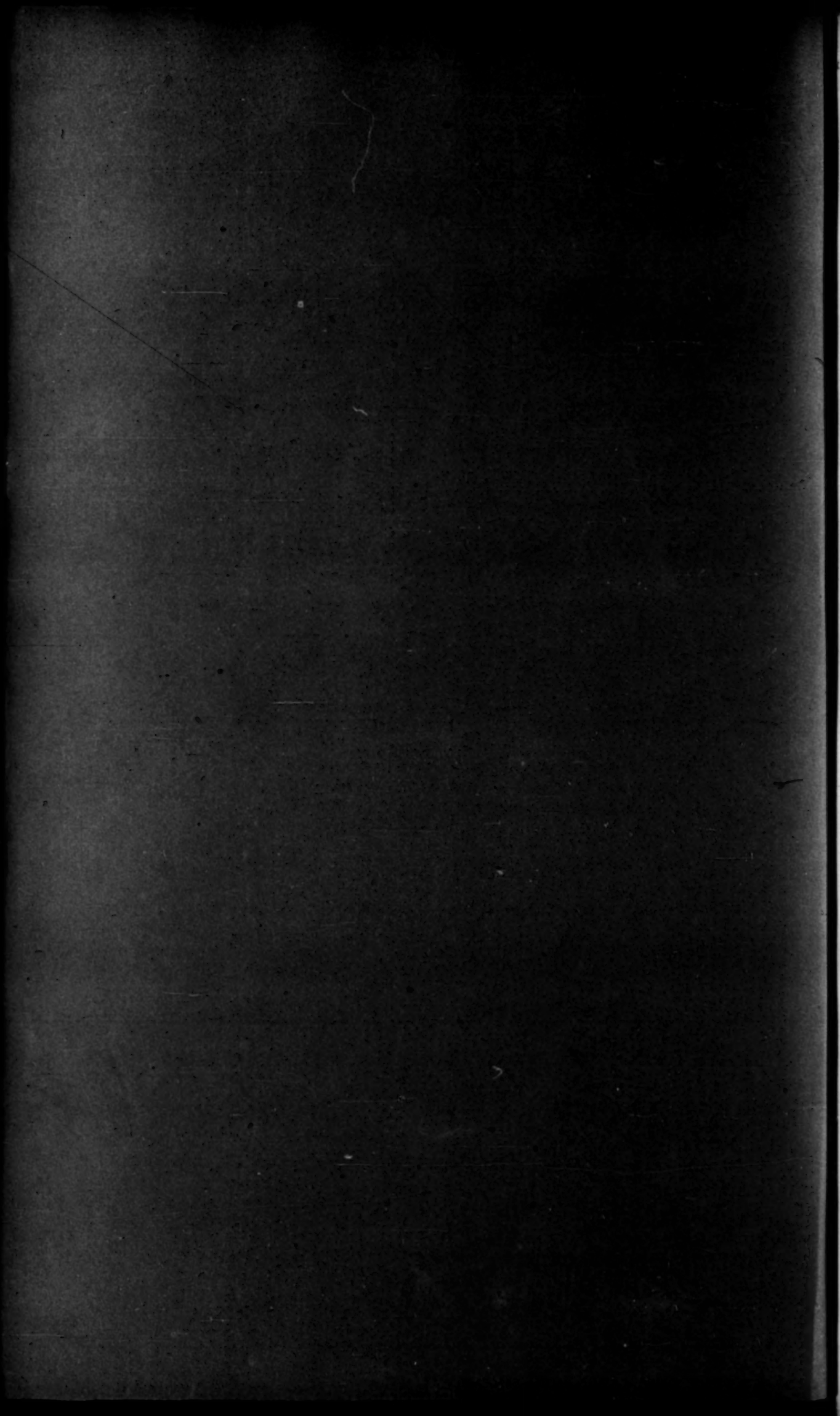
Legation of the United States.
Shanghai July. 14. 1858

Sir,

In accordance with the personal instructions furnished to me by the Department I beg to inform you that I have appointed Mr. Charles William Bradley Special Bearer of Despatches and have entrusted to his care the Original Letter from His Majesty the Emperor of China to the President, the Treaty signed by me on the 18th ult° with their Excellencies the Imperial Commissioners and sundry despatches addressed to you. I have explained to Mr Bradley that his compensation for this service will be the payment of his travelling expenses and six dollars per day, subject to the approval of the Department

I have the honor to be
Sir, your Obd Servant
William. B. Reed

To the Hon.ble
Lewis Cass
Secretary of State



Recd 23d Oct. Mr Derrick

Official
No 28.

Legation of the United States
Shanghai July 24. 1858

Sir,

I have great pleasure in sending to you the translation of a dispatch from their Excellencies the Imperial Commissioners with a decree from the Emperor absolutely ratifying the treaty which on the 18th ulto. was signed at Tientsin between the United States and China. Nothing now remains to be done but the ratification by the President with the advice and consent of the Senate of the United States.

I congratulate you on this new proof of the good will of the Imperial Court and on the conclusion of the important negociations intrusted to me by the President.

I have the honour to forward two letters from the Russian and French Ministers and

my

To the Honourable
Lewis Cass
Secretary of State.

reply, further illustrative of the friendly relations of the Western Powers.

On the 13th inst. I received your dispatch (No 11) dated 28th April acknowledging the receipt of a large number of my dispatches and informing me that the President had approved my conduct in uniting with the Envoys of Great Britain, Russia and France in a peaceful appeal to the Court of Peking.

I have to request that dispatches may as heretofore be addressed to me at Hong Kong, and be sent by the way of Marseilles.

I have the honour to be,

Sir

Your obedient Servant

William B. Reed.

Kweiliang and Hwashana, Imperial Commissioners and Plenipotentiaries of the Ta Tsing Empire, herewith make a communication.

We have this day received a dispatch from Court containing an Imperial Rescript; and having carefully made a copy of the same, we now have the honor to inclose it to Your Excellency for your information

To His Excellency W B Reed,

Envoy Extraordinary and Minister Plenipotentiary of the United States to China.

July 4th 1858.

Inclosure.

On the 3d of July, 1858, the following Rescript was received from His Majesty:—

"Kweiliang and his colleague have already
"presented for our examination copies of the
"Treaties which they have negotiated and settled with
"the ministers of Great Britain, France, Russia,
"and the United States, and to which they have
"affixed their official seals. They have now
"further represented to Us that the Ministers of
"those nations desire to obtain the Imperial ratifica-
"tion of those Treaties; and we accordingly hereby

"declare

"declare that the treaties which our Imperial
"Commissioners have made known to us as
"having been settled with the ministers of Great
"Britain and France, and also with those of
"Russia and the United States, are all agreed to,
"and are to be carried into effect according to
"their provisions. This from the Emperor."

Enclosure 2

Tientsin. 6th July. 1858

Sir,

I have the honour to transmit to Your Excellency a packet from the Chinese Commissioners containing the full confirmation by the Emperor of China of the Treaties signed by the four Powers with China. It was sent to me on the 4th of July, and since then I had no opportunity of forwarding it to You sooner.

This confirmation has stopped all proceedings on the part of the English and French to threaten the Chinese Government, and I am happy to say that most of their vessels have left Tientsin, and probably to morrow it will be completely evacuated.

I am expecting the arrival of the "America", and will immediately leave also this place for Japan.

At your desire I enclose herewith a copy

His Excellency The Honble. W. B. Reed
Envoy Extraordinary and Minister Plenipotentiary
&c &c &c

copy of our treaty in Chinese.

With assurances of high consideration and esteem, I have the honour to be

Your Excellency's

most humble servant

(Signed) C. Poutiatine

For Translation

Inclosure 3

Shanghai, le 20 Juillet 1858

Monsieur le Ministre,

J'ai l'honneur d'envoyer ci-joint à Votre Excellence une copie du texte Chinois du traité que j'ai signé à Tientsin avec les commissaires Impériaux le 27 Juin dernier.

J'ai eu l'honneur de remettre confidentiellement à Votre Excellence une copie du texte français de ce même traité peu de jours après l'avoir signé et Votre Excellence a bien voulu me permettre de ne lui en faire la remise officielle que lorsque je serais à même de pouvoir lui envoyer le texte Chinois qu'elle désirait avoir.

Je prie Votre Excellence de vouloir bien excuser le retard apporté à cet envoi; il était sans inconvénient dans le fond et je réclame un peu d'indulgence pour la forme.

Il ne me reste maintenant, Monsieur le Ministre, qu'à me féliciter des rapports

A Son Excellence Monsieur W. B. Reed Envoyé extr et Ministre Plénipotentiaire des Etats-Unis d'Amérique en Chine

qui ont existé entre nous lorsque nous avons du agir de concert dans les négociations que nous avions à suivre et tout me fait espérer que l'heureux résultat que nous avons obtenu pourra bientôt amener de meilleurs jours pour les nombreuses populations de ce vaste Empire dont la prospérité intéresse aussi vivement la politique du Gouvernement de l'Empereur que celle du Gouvernement dont Votre Excellence est la représentant dans ces contrées

Veuillez agréer, je vous prie, Monsieur le Ministre, les nouvelles assurances des sentiments de haute consideration avec les quels j'ai l'honneur d'être

Votre très humble et
très obéissant serviteur
Bon Gros

Inclosure 4

Legation of the United States

Shanghai July 24. 1858.

Monsieur le Baron,

I have the honour to acknowledge Your Excellency's note of the 20th inst. inclosing a copy of the Chinese text of the treaty between France and China signed at Tientsin on the 27th ulto. I had already received and beg now to thank you for a copy of the French text.

I write cordially in the hope that the treaty arrangements we have succeeded in making with the Chinese Empire may largely promote the interests of its subjects generally as well as those of the citizens of our respective countries who have commercial or other relations to the Chinese.

The concert of action which you are good enough to describe as having existed between us in the recent negociations will be regarded by my Government as it has been by me, as the subject of sincere felicitation.

Begging

To His Excellency

Monsieur le Baron Gros

Commissioner Extraordinary & Ambassador

of H.M. the Emperor of the French, in China

Begging you to accept the renewed assurances of my high consideration and sincere personal regard

I have the honour to be

Monsieur le Baron,

Your Excellency's

most obedient, humble servant.

(Signed) William B. Reed



V

V Rec 23d Octr. Mr Dallas

Official
No. 29.

Legation of the United States
On Board the Minnesota
off Shanghai July 29th 1858

Sir,

I now forward copies of the treaties signed on the 13th, 26th and 27th ult. by the Ministers of Russia, Great Britain and France, and beg to add a few remarks on such of the provisions of them as interest the United States and its citizens under our most favoured clause. (Inclosures No 1a, 1b, 1c).

1. Diplomatic Relations to Peking.

The Russian, American and French treaties contain a provision that with more or less limitation, the Ministers of each shall have the right to visit and sojourn at the capital, the permanent seat of the legation being elsewhere. In the Russian treaty, which was signed first in order of time, one "of the ports open to commerce" is designated.

To the
Honorable Lewis Cass
Secretary of State

designated, and in the American, tho' there is nothing expressed the understanding was the same. In the American and French treaties, there are special provisions for community of privilege in case the Chinese grant to any other nation a resident Minister. So that the decision as to whether we shall have permanent or occasional diplomatic relations at the capital is left absolutely with us.

I am at a loss to know why on this important point; France and Great Britain being in the same position of semi-belligerent negociators, the treaties were not the same. The British treaty with the right of a residency was signed twenty-four hours before the French treaty, and it is scarcely conceivable that so important a privilege was secretly obtained. The fairer inference is that the French Minister knew what his colleague meant to exact but did not attach as much importance to the absolute privilege itself.

I repeat however that under the treaties as they now are framed forming one system, the President must determine hereafter where the Legation of the United States shall permanently be and doubting as I yet do on the subject, it seems to me the proper course will be to suspend an absolute determination

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till on the exchange of ratifications at the capital my successor shall be able to form a safe and final judgment. Even in the English treaty you will observe, there is no absolute determination of the question whether there shall be a permanent or occasional legation at the capital. It is to be (Article III) at the option of the British Government.

I have no doubt however what that decision will be, if Lord Elgin's counsels are followed by his Government, and it is right that I should (since the same option rests with the President) fairly state the reasoning which has led him to the conclusion that constant intercourse with Western officials at the capital is not only desirable but essential to the general interests and the safety of this Empire. He thinks that all the difficulties which have heretofore occurred with Western Nations have arisen from the omission or denial of honest representation of facts to the Imperial Court by the local officers. They neither dare nor desire to tell the truth. The experience too, it is alleged every where but at Canton with such men as Yeh and Sen is that the personal contact of foreign with Chinese officials is salutary. There is no embarrassment in the relations to the Taoutais at the open ports or the

Governors

Governors or Governor Generals and no difficulty in making them understand truth and feel the force of reasoning. Their conduct when they are at liberty to act, shows that they may be thus influenced, but the moment they have to communicate with the capital or to ask for orders, they become afraid to tell the truth or to admit their own convictions of what is right.

Again it is thought that a good influence may be exercised at the capital by invigorating the Imperial Authorities with a sense of their own power and what is due to themselves. that while contact with intelligent public men from the west may break down the absurd sentimental complacency of those surrounding the Imperial centre, it will make the Court comprehend its real Power and its duty to exercise it. As for instance, one of the difficulties of the present state of things on the coast is that there is an absolute immunity of the citizens of non Treaty Powers. A Saxon a Swede or Dane or Prussian does as he pleases. He defies law, commits crime with impunity, refuses the payment of duties & debts, and as the new treaties give unrestricted general right of access to the interior, he will be found following the footsteps or close in the company of the subject of the Treaty powers and carrying with him his

his immunities and his uncontrolled power of doing wrong. As matters now stand, the local authorities are too weak or corrupt and the central power is too remote to feel or to redress these wrongs - while nothing would be easier, it is assumed than for the representatives of Treaty Powers, having direct access, to convince the Chinese government of their duty of repression and that there is nothing to protect or give immunity to these outlaws. These are some of the many arguments plausibly urged in favour of such a permanent diplomatic establishment at Peking as the provisions of the English Treaty seem to contemplate, and I state them as intelligibly and as fairly as I can in order that the question may be fully understood and properly decided by the President.

I have no doubt that such a reconstruction or invigoration of the central authority of this disorganised Empire is hoped for, as England thinks She has effected in Turkey, for it is very manifest from the terms of the new treaties that the Rebellion to which so great effects were once attributed, is regarded now as a mischievous convulsion that ought to be put an end to. The Imperial power is to be sustained and among the means of doing so is that which this Treaty provides, a sort of diplomatic protectorate at the capital.

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The objections or rather to speak more precisely the doubts which have occurred to me as to whether the American Legation should be there located, were stated fully in a former despatch. I renew my earnest suggestion that when the Treaty shall be ratified, the Minister of the United States shall proceed at once, either inland or by the Peiho River to the Capital.

2. Access to the interior.

This is provided for in both the English and French Treaties and of course with its limitations enures to us. The provision of the former is very comprehensive for, with the limitation of requiring a passport the form of which the Consuls and not the Chinese are to determine, any foreigner may go anywhere in China "for pleasure or for purposes of trade, and may hire vessels for the carriage of his baggage or merchandize". No routes are specified - no limit to the character or amount of merchandise which may be taken into the interior, and there is nothing to prevent a foreigner, Englishman, Frenchman, Russian or American from unloading his shipload of cottons - or if he happen to be unscrupulous, of opium, at Shanghai or when it shall be opened and carrying it in one or a fleet of junks or small craft steamers to the frontiers

of

of Thibet or by the grand canal to Tientsin and Pekin, or in short anywhere, selling it as he goes along. But this is not all. He carries with him, his "extrerritoriality" for the article which provides for his transit in the interior also provides for his immunity. "If" says the British treaty, "he shall commit any offence against the law he shall be "handed over to the nearest Consul for punishment; but he "must not be subjected to ill usage in excess of necessary "restraint". This rendered into plain language means that the foreigner who commits a rape or murder a thousand miles from the seaboard is to be gently restrained and remitted to a Consul for trial necessarily at a remote point where testimony could hardly be obtained or relied on.

These are the abuses and dangers which this new System of unlimited intercourse seems to foreshadow, but it would not be right or Statesmanlike to shut one's eyes to other and better results from the opening of these secluded regions to a new and different civilisation. No one can look at this immediate region where, under the most favourable circumstances this contact has been effected, without realising its great advantages. Here one can see the mutually respectful intercourse of the enlightened and honourable merchant of the West with the Chinese trader, or the entirely different but more interesting relation of

the

the missionary with his pupils and the community generally and the perfect and harmonious blending of the good elements of different national character. The great experiment is to be still further tried. The time has now come when, in the Providence of God and for his wise purposes this great Empire is to be opened and whether it is to be to general or limited intercourse, the confidence I have that our countrymen will enjoy their full share of all the material advantages which it is supposed to secure, makes me the more clearly recognise the duties and dangers which accompany it.

The English and French Plenipotentiaries think that they will find in a system of passports "which shall offer all desirable guaranties" adequate protection and his Excellency Baron Gros has invited my attention to it in the projet of a protocol which is to provide for it. I defer any remarks on this subject till my views shall be more matured, merely enclosing the brief papers that have passed between Baron Gros and myself (Inclosures No 2. No 3). To make passports effective on American citizens in the way which is at all conformable to European usage, will require, it seems to me the action of Congress. Before leaving China I shall have the honour of more fully

explaining

explaining my views on this subject- tho' I shall in the interval omit no opportunity of conferring with the Representatives of the other Treaty powers so as to devise some lawful and practicable plan of protecting the Chinese from the unrestrained contact which has been forced upon them.

3. Opening of the Yangtze River

This privilege the British Treaty secures with the limitation that but one port that of Chin-Kiang at the confluence of the River and the grand canal, is to be opened (and that a year hence) until the rebellion is at an end when the two governments of England and China are to negociate for three more ports between Hankau and the mouth of the River. In the French treaty Nanking is designated as an open port when it shall be recaptured from the rebels. Chinkiang is now in the possession of the Imperialists and is likely to remain so; it may therefore be assumed that a year hence the great River will be so far opened for the purposes of trade. As to the general advantages of this concession, it is not at all necessary for me to say anything. The best account of the character of the navigation of the River and its capabilities will be found in the dispatches of Mr. McLane who in 1854 on board the United States

Ship

Ship Susquehanna ascended it about fifty miles beyond Nankang. Hankau, the extreme point to which this arrangement prospectively applies is about five hundred miles from the sea. Intelligent gentlemen well acquainted with China, are of opinion that as a class of vessels such as steamers with barges and schooners will be needed for this navigation there will be no sensible diminution of Shanghai trade but rather that the free navigation of the River will leave Shanghai as the great maratime and distributing point.

4. Opening of new Ports.

The Eleventh Article of the British treaty creates in all eleven ports on the coast. Among the new ones are two in the Gulf of Pechili. Tang-chau near the Straits, an outlet of the great and fertile province of Shantung and Niuchwang in Manchuria. This opens to lawful commerce a section of the coast of China fifteen hundred miles further North, than it has been yet opened. Aside from the specific advantages, whatever they may prove to be, of new ports, the extension of the right to trade from points as remote as Manchuria is from the Island of Hainan, from Niuchwang to Kiung-chau, one other is very obvious, that with the reduction of tonnage dues, limitation of payment

to

to once in four months, and right of reexportation it will transfer most of the coasting trade of China to foreign vessels which are already preferred on account of speed, safety from pirates, insurability and cheapness. It is to be hoped that with the diminution or annihilation of the junk trade on the coast, piracy will cease. Small American vessels well commanded, as they generally are, will have advantage over all others.

5. Commutation of internal transit duties.

The 28th Article of the English treaty provides that within four months from the signing of the treaty, (26 October 1858) all transit duties leviable on produce from the interior to the ports or on imports from the coast to the interior shall be ascertained and made public by authority and that foreigners may clear goods from all such transit duties by a single payment on Imports at the ports or on produce at the custom house or barrier nearest the place of production or purchase. This article, it is thought, will be very advantageous to foreign trade if it becomes effective, and its effectiveness will soon be ascertained by the readiness or reluctance with which the Chinese dealers allow foreigners the face-value of the exemption or commutation certificate. If it appears in practice that produce bought

by

by or for foreigners in the interior and imports purchased of them on the seaboard are subjected to no other taxes any where or in any form than those specified in the published table, then such a trade will become a new and favorite branch of business attractive to capitalists because of its exemption from arbitary and uncertain imposition and of the protection and vigilance which the foreigner will be interested in bestowing on it.

These are the great privileges to which by the operation of our most-favoured clauses we are admitted, and which the coercive policy of Great Britain has been able to exact; for after all it was Great Britain rather than France which has taken the lead in the energetic course which has been adopted here. If in the end, the good of unrestricted commerce overbalance the evil and out of these new concessions and new points of contact no political entanglements arise, Lord Elgin will certainly deserve great credit for the steadiness with which from first to last he has kept these ends in view - and tho' as you are well aware, I have had occasion more than once in the course of negociations here to dissent from the course of reasoning which led him to certain measures, I should not do justice to myself or to him, now that these great results have been

attained

attained, if I were not to bear my willing testimony to the ability and energy which he has exhibited. It is matter of great gratification to me that the differences of opinion which have arisen and the slight irritations which have followed such differences (scarcely worth referring to) have been controlled and moderated by discretion and good sense and a sentiment of personal friendliness all round.

The only difficulty now remaining in the way of a general pacification and early restoration of trade is the sad state of affairs at Canton, becoming worse every hour. There is utter desolation there so far as industry and trade are affected. The army of occupation is almost besieged. Lord Elgin told me yesterday and with expressions of regret, very creditable to him, that the most reliable accounts describe Canton as more than half in ruins. The braves are vexatiously hostile, not only picking off detached parties in the city and suburbs but actually attempting escalades of the walls. The direct consequence of this is constant and severe retaliation which when it is inflicted by the French is very bloody. A few weeks ago, in consequence of a murderous attack made on a party of camp straggles, the French commanding officers took possession of a street or neighbourhood, marked off by measurement and carefully guarded a number of

houses

houses and then sent in armed parties with orders (executed with characteristic fidelity) to butcher every male inhabitant found within. A large number perished. The question now, I have every reason to believe, presents itself most painfully for the consideration of the British Plenipotentiary as to the best remedy for this. My own belief is that nothing but an evacuation will do any good. The aspect of things at Canton, more deplorable every day, I need hardly say, satisfies me anew of the wisdom of that policy which I have with all my heart endeavoured under your instructions to pursue, of keeping steadily aloof from this wretched and bloody entanglement.

A hope is indulged (and I earnestly sympathise with it) that a new state of feeling may arise in the South when the news of the Imperial Ratification of the Treaties reach there. This will be so unless the peculiar ferocity of the Cantonese has under local irritation got beyond control.

On the 24th inst. the Governor General of this Province addressed letters to the Plenipotentiaries of the United States, Great Britain and France (Inclosures No 3. No 4) informing us that their Excellencies the Imperial Commissioners Kweiliang and Hwashana

with

with three other officers were on their way towards Shanghai to meet us and arrange the details of the Revised Tariff. This is very important as indicative of of the views of the Court and its sincerity in carrying out the Treaties. It is hoped when they arrive here, that some influence may be exercised by or through them by which the Canton difficulty may be settled. This of course belongs exclusively to the English and French Plenipotentiaries.

Commissioners on their way to Shanghai to arrange the details of the Revised Tariff

I have the honor to be
Sir,
Your obt. servt.
William B. Reed

Dispatch 29 - Incl. 1a
July 29. 1858

Traduction du russe.

S. M. l'Empereur et Autocrate de toutes les Russies et S. M. l'Empereur de Chine, — jugeant de toute nécessité de préciser clairement les relations mutuelles entre la Russie et la Chine, et d'arrêter de nouveaux règlements pour l'intérêt des deux états, ont nommé à cet effet leurs Plénipotentiaires, savoir:

S. M. l'Empereur de toutes les Russies Son Aide de camp général, Vice-Amiral Comte Euphimius Poutiatine, Commissaire Impérial en Chine et Commandant en chef l'escadre russe dans l'Océan Pacifique,

et S. M. l'Empereur de Chine de son Empire le Dahiochi de la section orientale, — Dirigeant en chef du Tribunal de Justice criminelle, le Haut-Fonctionnaire Kouï-leang, et de son Empire le Président du Tribunal d'Inspection, Chef de division de la grosse infanterie du drapeau bleu à frange, le haut-fonctionnaire Houachana.

Les dits Plénipotentiaires en vertu des pouvoirs qu'ils ont reçus de leurs gouvernements respectifs

respectifs sont convenus des articles suivants et les ont arrêtés.

Art. I.

Le présent traité confirme de nouveau la paix et l'amitié qui existent depuis nombre d'années entre S. M. l'Empereur de toutes les Russies et S. M. l'Empereur de Chine, et entre leurs sujets respectifs.

Les sujets russes qui résident en Chine et les sujets chinois qui se trouvent en Russie, jouiront constamment de la protection des gouvernements des deux Empires, tant pour leur sécurité personnelle que pour celle de leur propriété.

Art. II.

Dorénavant les communications entre le Gouvernement suprême de Russie et le Gouvernement suprême de Chine ne se feront plus comme cela était jusqu'à présent, par le Sénat d'une part et le Tribunal Li-fan-yuan de l'autre; mais ce sera le Ministre des Affaires étrangères de Russie qui communiquera avec le membre aîné du Conseil d'État ou le premier Ministre à Pékin. Ils traiteront sur le pied d'une

d'une parfait égalité.

Le correspondance ordinaire entre les personnes mentionnées ci-dessus sera transmise par les autorités des frontières des deux états respectifs. — Les communications de haute importance seront portées dans la capitale par un employé nommé ad hoc, qui pourra entrer dans des explications verbales avec les membres du Conseil d'État et le premier Ministre. A son arrivée il remettra les dépêches par l'entremise du Président du Tribunal des Rites. (Li-pou.)

L'égalité sera observée de même dans la correspondance et les entrevues des Envoyés et Ministres plénipotentiaires de Russie avec les membres du Conseil d'Etat, les Ministres de la Cour de Pékin et les Gouverneurs-Généraux des provinces limitrophes et maritimes; et dans les rélations entre les Gouverneurs-Généraux et entre les autorités de frontière des deux états.

Si le Gouvernement russe jugeait nécessaire de nommer un Ministre plénipotentiaire pour résider dans l'un des ports ouverts de la Chine; il traitera dans ses rélations personnelles et sa correspondance avec les autorités chinoises locales et les Ministres

à

à Pékin suivant les règles générales convenus maintenant par tous les états étrangers.

Les Envoyés de Russie pourront se rendre à Pékin ~~en passant soit par~~ Kiakhta et Urga, soit par Takou à l'embouchure du Peiho, soit par tout autre port ou ville ouvert de la Chine. Après une notification préalable, le Gouvt chinois devra faire prendre immédiatement les arrangements nécessaires pour que le voyage de l'Envoyé et de sa suite fut prompt et commode. Sa réception dans la capitale devra se faire avec les honneurs dûs à son rang; on préparera des logements convenables et lui fournira tous les objets nécessaires.

Toutes les dépenses occasionnées par l'envoi de missions diplomatiques de Russie en Chine seront supportées par le Gouvt russe, et ne tombent en aucun cas à la charge du Gouvt chinois.

Art. III.

Dorénavant le commerce entre la Russie et la Chine pourra se faire non seulement dans les endroits fixés sur les frontières, mais encore par mer.

Les

Les navires marchands russes pourront venir commercer dans les ports suivants: — Changhai, Ning-po, Foutcheou-fu, Amoy, Canton, Taïwan-fou sur l'île de Formose, Khioung-tcheou-fou sur l'île de Hainan.

Art. IV.

A l'avenir il n'y aura aucune limitation de la part des deux Gouvernements quant au nombre des commerçants et des capitaux employés dans le commerce.

Dans le commerce maritime et dans tous les détails qui le concernent savoir: les déclarations sur les marchandises importées le payement des droits d'ancrage et des droits d'après le tarif existant, etc. les sujets russes se conformeront aux règlements généraux établis pour le commerce étranger dans les ports de Chine.

Tout commerce illicite qui serait fait par les Russes, sera puni par la confiscation au profit du Gouvernement chinois des marchandises débarquées.

Art.

Art. V.

Le Gouvernement russe sera libre de nommer des Consuls dans les ports ouverts au commerce.

Il pourra y envoyer des navires de guerre maintenir l'ordre pour les sujets russes, et donner de l'appui à l'autorité du Consul.

Les rélations entre le Consul et les autorités locales, la concession d'un terrain convenable pour la construction des églises, de maisons et de magasins, l'achat par les Russes de terres chez les Chinois et toutes les transactions qui sont du ressort du Consul, se feront suivant les règles générales observées par le Gouvernement chinois dans les affaires avec les étrangers.

Art. VI.

Si un batiment de guerre ou de commerce russe venait à perdre sur la côte, l'autorité chinoise la plus proche porterait sur le champ assistance à l'equipage et prendrait les mesures nécessaires pour le sauvetage du navire et de la cargaison. Elle facilitera aussi le transport de l'equipage et de la cargaison au port le plus proche où se trouve un Consul russe ou un agent d'un nation amie de la Russie, ou à la frontière si le naufrage a eu lieu près d'elle.

Le

Le Gouvt russe fera rembourser les frais occasionnés par le sauvetage de l'equipage et de la cargaison.

Dans le cas où des navires de guerre ou marchands russes se trouvaient dans la nécessité de faire des réparations, de se pourvoir d'eau et de provisions fraiches, — ils pourront entrer sur leur route dans les ports non ouverts au commerce et acheter ce qui leur faut à des prix fixés à l'amiable et sans que les autorités locales y mettent des obstacles.

Art. VII.

Toute affaire entre les sujets russes et chinois dans les ports et villes ouverts sera examinée par les autorités chinoises de concert avec le Consul russe, ou l'agent qui représente l'autorité du Gouvt russe dans l'endroit. Les sujets russes coupables de quelque délit ou crime seront jugés d'après les lois russes.

De même les sujets chinois pour chaque crime ou attentat contre la vie ou la propriété d'un Russe seront jugés et punis d'après les lois de leur pays.

Les sujets russes qui auraient pénétré dans l'intérieur de la Chine et y auraient commis quelque crime ou délit seront reconduits à la frontière ou dans l'un

l'un des ports ouverts où réside un Consul russe, pour être jugés et punis d'après les lois russes.

Art. VIII.

Le Gouv^t chinois ayant reconnu que la doctrine Chrétienne facilite l'établissement de l'ordre et de la concorde entre les hommes, promet de ne pas persécuter ses sujets Chrétiens pour l'exercice des devoirs de leur religion; ils jouiront de la protection accordée à tous ceux qui professent les autres croyances tolérées dans l'Empire.

Le Gouvernement Chinois considérant les missionaires Chrétiens comme des hommes de bien qui ne cherchent pas d'avantages matériels, leur permettra de propager le Christianisme parmis ses sujets et ne leur empêchera pas de circuler dans l'intérieur de l'Empire. Un nombre fixé de missionnaires partant des villes ou ports ouverts sera muni de passeports signés par les autorités russes.

Art. IX.

Les parties non déterminées des frontières entre la Chine et la Russie devront être examinées sans delai sur les lieux mêmes.

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Les deux Gouvts nommeront à cet effet des délégués qui fixeront la ligne de démarcation et concluront là dessus une convention qui sera annexée comme article séparé au présent traité.

Des cartes et des descriptions détaillées de la frontière seront dressées ensuite et serviront de documents incontestables pour les temps futurs.

Art. X.

Il n'y aura plus de terme fixe pour le séjour à Pékin de la mission ecclésiastique russe; les membres de cette mission pourront de l'autorisation de leur Gouvt retourner dans leur patrie à toute époque. La place vacante pourra être occupée par un nouveau membre.

Le Gouvt chinois n'aura plus de dépenses à faire pour l'entretien de la mission, tous les frais seront à la charge du Gouvt russe.

Les frais du voyage des membres de la mission, des courriers, et des autres personnes que le Gouvt russe expédiera de Kiakhta et des ports ouverts de Chine, et vice versa, seront payés par le

le Gouvt russe; les autorités chinoises locales sont obligées de leur côté de prendre les mesures nécessaires pour que le voyage de toutes les personnes mentionnées ci-dessus soit prompt et commode.

Art. XI.

Un service de poste régulier sera établi entre Kiakhta et Pékin pour les communications entre les deux Gouvernements, ainsi que pour les besoins de la mission ecclésiastique russe à Pékin.

Le courrier chinois sera expédié à un jour fixe une fois par mois de Pékin et de Kiakhta, et devra dans l'espace de 15 jours au moins apporter les paquets officiels et lettres au lieu de leur destination.

De plus chaque trois mois ou quatre fois par an, on expédiera un convoi à Kiakhta à Pékin, et vice versa, pour le transport de toute espèce d'envois et d'effets. Ce convoi devra faire le trajet dans l'espace d'un mois. Toutes les dépenses occasionnées l'établissement et l'entretien de ces communications seront payées de moitié par les deux Gouvernements.

Art. XII.

Tous les privilèges politiques, commerciaux, ou autres qui pourraient dans la suite être acquis par les états les plus favorisés par le Gouvern^t chinois, seront étendus en même temps sur le Russie, sans que cela nécessite des négociations préalables.

Ce traité sera ratifié dès à présent par l'Empereur de Chine; et après qu'il aura été ratifié par l'Empereur de Russie, l'échange des ratifications se fera à Pékin dans un an ou plutôt si faire se peut.

Des copies en langues russe, mantchou, et chinois revêtues des signatures et des sceaux des Plénipotentiaires des deux états sont échangées maintenant, et le texte mantchou servira de base pour l'interprétations de tous les articles du traité, qui seront observées par les deux hautes parties contractantes fidèlement et inviolablement.

Fait et signé dans la ville de Tien-tsin, le 1/13 Juin de l'année 1858 après la naissance de Jésus-Christ.

Christ, et dans la quatrième
année du règne de S. M. l'
Empereur Alexandre II.

L. S. (Signé) Comte Euphimius Poutiatine.

L. S. (Signé) Koui-leang. Houachana.

Pour traduction conforme à l'original.
Baron Fr. Osten-Sacken.

True copy
D. Wells Williams
Secretary of Legation U. S. A.

Dispatch 29. Inc. 2
July 29. 1858

Tientsin le Juin, 1858

Les traités de Tien-tsin entre la Chine, la France, les Etats-Unis d'Amérique, la Grande Bretagne, et la Russie, venant d'être signés, et le résultat qu'ils doivent amener, soit directement, soit par référence, étant inévitablement l'ouverture de l'Empire Chinois aux nations de l'occident, la pensée des quatre plénipotentiaires qui les ont signés s'est portée naturellement sur le danger qui pourrait résulter pour les populations si douces et si craintives du Céleste Empire d'un nouvel état de choses qui pourrait faciliter à de hardis aventuriers la mise à exécution d'entreprises ou d'excès de tout genre qu'il est de l'honneur, comme de l'intérêt des quatre puissances occidentales de prévenir par tous les moyens dont elles peuvent disposer

Il est donc du devoir des quatre puissances de garantir la Chine contre sa propre faiblesse, et après avoir mûrement réfléchi au meilleur moyen à employer pour obtenir un tel résultat, les quatre plénipotentiaires ont cru le trouver dans une forte organisation à donner aux

établissements consulaires des quatre Puissances en Chine, établissements dont les fonctions appuyées de pouvoirs étendus, consisteraient peut être principalement à protéger le timides et craintives populations de la Chine contre les exactions des aventuriers de tous les pays qui voudraient abuser des larges concessions que les traités accordent aux quatre nations intéressées.

Un bon système de passeport, identique à ceux qui sont établis en Europe, devrait être adopté par les agents diplomatiques et consulaires des quatre puissances en Chine.

La durée du passeports a délivrer devrait être limitée à six mois ou à une année! Ils ne seraient donnés par les agents diplomatiques et par les consuls qu'à des personnes offrant toutes les garanties désirables, et les consuls devraient punir sans indulgence toute infraction apportée aux réglements établis, et auxquels le porteur du passeport se serait engagé par écrit à se soumettre

Aucun negociant, à quelque classe qu'il appartint, ne pourrait être chargé de fonctions consulaires, car l'expérience a démontré que l'influence qui donnent nécessairement ces fonctions

n'a

n'a été que trop souvent employée à favoriser des intérêts personnels au détriment de la justice ou en opposition à des intérêts rivaux.

Les passeports, imprimés en caractères chinois et dans la langue du consul qui les donnerait, seraient soumis à la légalisation et de l'autorité Chinoise du lieu où ils seraient délivrés et à celle du lieu d'arrivée et de séjour. Ils seraient personnels, revêtus de la signature du porteur ou de celle de la personne qui lui servirait de caution; et ils ne pourraient jamais être collectifs.

Chacun des quatre gouvernements aurait à voir jusqu'à quel point il pourrait autoriser ses agents en Chine à délivrer des passeports à des étrangers n'ayant pas de traité avec l'Empire, et ces passeports ne devraient être acceptés par les porteurs qu'à la condition formelle prise par eux de se soumettre à l'autorité comme à la juridiction du consul qui le leur délivrerait, en exigeant les garanties convenables.

Aucun passeport ne serait délivré pour les villes ou les lieux occupés par les rebelles. Les missionaires, comme les négociants, comme les voyageurs, dev.

raient en être pourvues.

Ces passeports ne seraient pas donnés gratuitement, et le prix payé pour les obtenir, et fixé d'avance d'un commun accord, devrait être employé à couvrir les frais d'émission, le surplus devant être versé dans les caisses de la ville du lieu où ils seraient délivrés.

Les règles principales semblant aux quatre plénipotentiaires former la base des réglements à prendre pour donner à la Chine les garanties dont elle a besoin dans le premier moment, afin qu'elle n'ait pas à se repentir des concessions qu'elle a faites aux quatre puissances contractantes, il a été convenu entre leurs plénipotentiaires qu'il en serait dressé un acte en quatre expéditions, pour être envoyé à leur Gouvernements respectifs, mais à titre de simple renseignement soumis à leur examen.

En conséquence, les quatre plénipotentiaires ont signé le présent document convenu et rédigé d'un commun accord, et se sont engagés à l'envoyer à leurs gouvernements respectifs, qui auront à prendre à ce sujet telle détermination qui leur paraîtra convenable.

Fait à Tientsin, en quatre expéditions,
le Juin, 1858

(Signé) Bon Gros

Dispatch 29. Inc. 2[b]
July 29. 1858

Legation of the United States
Shanghai July 27. 1858.

The Undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America tenders very cordially in the projet of a protocol submitted for his consideration by His Excellency the Ambassador of France and which he learns has been agreed to without reserve by the Ministers of the other Western Powers who have signed treaties at Tientsin with the Empire of China. He is very sensible of the danger to which the inhabitants of China may be exposed from unrestricted intercourse with foreigners, and very highly estimates the evident beneficence of the course suggested by His Excellency Baron Gros. The Undersigned in giving his assent to the plan now suggested is obliged however to do so with some limitations which he now has the honour to state.

The jurisdiction of Consuls over American citizens in order to enforce penalties for travelling in the interior without passports must be created and defined by an Act of Congress, and no stipulation or agreement to submit to a jurisdiction can in the opinion of the Undersigned effect the object. Such legislation, making it penal for any one to enter the country, especially for trade, without a compliance with such arrangements about passports as may be made, the Undersigned will take the earliest opportunity of urging on his government.

The

The granting by an American Consul of passports to others than American citizens is inadmissible and here, also, in the opinion of the Undersigned, the consent of a party taking a passport would confer no jurisdiction on a consular court.

The Undersigned, as at present advised, is reluctant to recommend such a prohibition of 'collective passports' as should prevent the issuing of one passport to an American citizen and his family. In the case of the Protestant Missionaries in China, generally accompanied by their families, a requisition that each individual should have a passport, would be attended with great inconvenience. Every adult male should however be so furnished.

By the existing Statutes of the United States, their Consuls in China are already expressly prohibited from being in any way connected with trade.

With this explanation and these reservations which he hopes he has made intelligible, the Undersigned repeats the expression of his entire concurrence in the views contained in the Projet of a protocol signed by the Representatives of France, Great Britain and Russia and desires to be considered as having united in the same.

Communicated with the expression of my high consideration to His Excellency the Ambassador

and

and High Commissioner of H. M. the Emperor of the French.

(Signed) William B. Reed

Ho, a Guardian of the Heir-apparent, a President of the Board of War, and Governor-general of the Two Kiang provinces in the Ta Tsing Empire, herewith sends a communication.

On the 22d inst a dispatch was received from the General Council at Peking covering a copy of the following edict:-

"On the 15th of July, the Privy Council "had the honor to receive the following rescript "from the Throne:-

"'Let Kwei-liang, Hwa-sha-na, Ki-pi, and "'Ming-shen be empowered to take the seal of "'Imperial Commissioners and proceed by post "'to Suchau in Kiangsu, where they can, in "'conjunction with Ho Kwei-tsing, consult upon "'and arrange all that is connected with the "'tariff and commercial matters. Let them also "'take with them such clerks and attachés as "'are necessary, who can also proceed by post. "'This from the Emperor.'"

I have learned that Kweiliang and his colleagues, in compliance with the above, have started, and will probably be at Suchau during the first decade of the next or seventh

month (August 9th to 19th) The acting Intendant of Circuit at Shanghai Sieh, has informed me that your Excellency has already reached that place, and I therefore have had the above rescript carefully copied out and now send it for your information. A necessary communication for

H. E. William B Reed

Envoy Extraordinary and Minister

Plenipotentiary of the United States to China

July 24th 1858

Despatch 29. Inc. 4
July 29. 1858

Legation of the United States,
Shanghai, July 29. 1858

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States to China, has the honor to acknowledge your Excellency's communication of the 24th inst., in which you inform me that, on the 22d you had received a dispatch from the General Council covering a rescript of the 15th of July, sent by his Majesty to the Privy Council, and which had been copied by the same. The Undersigned has much pleasure to learn that their Excellencies Kweiliang and Hwashana, who negotiated the treaties of peace at Tientsin, have been appointed to arrange the details of the tariff and commercial regulations, with your Excellency and Kiying and Mingshen; ~~and~~ he awaits at this place their arrival with much interest.

William B. Reed

To His Excellency Ho Kweitsing,
Governor-general of the Two Kiang,
&c &c &c.

Dispatch 29. Inc. 1
July 29. 1858

Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de la Chine, animés l'un et l'autre du désir de mettre un terme aux différends qui se sont élevés entre les deux Empires, et voulant rétablir et améliorer les relations d'amitié, de commerce, et de navigation qui ont existé entre les deux Puissances comme aussi en régulariser l'existence, en favoriser le développement et en perpétuer la durée, ont résolu de conclure un nouveau traité basé sur l'intérêt commun des deux pays, et ont, en conséquence, nommé pour leurs plénipotentiaires, savoir:

Sa Majesté l'Empereur des Français,

Le Sieur Jean Baptiste Louis Baron Gros, Grand Officier de la Légion d'honneur,

Grand Croix de l'Ordre du Sauveur de Grèce, Commandeur de l'Ordre de la Conception de Portugal, etc, etc, etc. —

Et, Sa Majesté l'Empereur de la Chine,

Kouï-Liang, haut Commissaire Impérial de la dynastie Ta-Tsing, Grand-Ministre du palais Oriental, Directeur Général du Conseil de justice, etc, etc, etc.

Et Houâ-cha-na, haut Commissaire Impérial de la Dynastie Ta-Tsing, président du Conseil des finances, Général de l'armée Sino-Tartare de la bannière à bord d'azur.

Lesquels, après avoir échangé leurs pleins pouvoirs qui ils ont trouvés en bonne et due forme, sont convenus des articles suivans:

Article Premier.

Il y aura paix constante et amitié perpétuelle entre Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de la Chine, ainsi qu'entre les sujets des deux Empires, sans exception de personnes ni de lieux.

Ils jouiront tous également dans les Etats respectifs des hautes parties contractantes d'une pleine et entière protection pour leurs personnes et leurs propriétés.

Article Deux.

Pour maintenir la paix si heureusement rétablie entre les deux Empires, il a été convenu entre les hautes parties contractantes, que à l'exemple de ce qui se pratique chez les nations de l'Occident, les agents diplomatiques dûment accrédités par Sa Majesté l'Empereur des Français auprès de la Majesté l'Empereur de la Chine, pourront se rendre éventuellement dans la capitale de l'Empire, lorsque des affaires importantes les y appelleront.

Il est convenu entre les hautes parties contractantes, que si l'une des puissances qui ont contracté avec la Chine, obtenait pour ses agents diplomatiques le droit de résider à poste fixe à Pékin, la France jouirait immédiatement du droit dont il est parlé ci-dessus.

Les agents diplomatiques jouiront

réciproquement, dans le lieu de leur résidence, des privilèges et immunités que leur accorde le droit des gens; c'est à dire, que leurs personnes, leur famille, leur maison, et leur correspondance seront inviolables; qu'ils pourront prendre à leur service les employés, courriers, interprètes, suiveurs, etc. etc. qui leur seront nécessaires.

Les dépenses de toute espèce qu'occasionneront les missions diplomatiques de France en Chine seront supportées par le Gouvernement Français.

Les agents diplomatiques qu'il plaira à Sa Majesté l'Empereur de la Chine d'accréditer auprès de Sa Majesté l'Empereur des Français seront reçus en France avec tous les honneurs et toutes les prérogatives dont jouissent, à rang égal, les agents diplomatiques des autres nations accrédités à la cour de Sa Majesté l'Empereur des Français.

Article Trois

Les communications officielles des agents diplomatiques et consulaires Français avec les autorités Chinoises, seront

écrites en Français, mais seront accompagnées, pour faciliter le service, d'une traduction Chinoise aussi exacte que possible, jusqu'au moment où le Gouvernement Impérial de Pékin, ayant des interprètes pour parler et écrire correctement le Français, la correspondance diplomatique aura lieu dans cette langue pour les agents Français, et en Chinois pour les fonctionnaires de l'Empire. Il est convenu que jusque là, et en cas de dissidence dans l'interprétation à donner au texte français et au texte Chinois au sujet des clauses arrêtées d'avance dans les conventions faites de commun accord, ce sera le texte français qui devra prévaloir.

Cette disposition est applicable au présent traité.

Dans les communications entre les autorités des deux pays, ce sera toujours le texte original, et non la traduction qui fera foi.

Article Quatre.

Désormais, les correspondances officielles entre les autorités et les fonctionnaires des deux pays seront réglées suivant les rangs et les positions respectifs, et d'après les bases de la réciprocité la plus absolue. Ces

correspondances auront lieu entre les hauts fonctionnaires Français et les hauts fonctionnaires Chinois dans la capitale ou ailleurs, par dépêche ou communication. 照會

Entre les fonctionnaires Français en sous ordre et les hautes autorités des provinces, pour les premiers par Exposé 申陳; pour les seconds par déclaration 劄行

Entre les officiers en sous-ordre des deux nations, comme il est dit plus haut, sur le pied d'une parfaite égalité.

Les négociants et généralement tous les individus qui n'ont pas de caractère officiel se serviront réciproquement de la formule Représentation 稟呈 dans toutes les pièces adressées ou destinées pour renseignement aux autorités respectives.

Toutes les fois qu'un Français aura à recourir à l'autorité Chinoise, sa représentation devra d'abord être ~~soumise~~ au Consul qui, si elle lui paraît raisonnable et convenablement rédigée, lui donnera suite, et qui, s'il en est autrement, en fera modifier la teneur ou refusera de

la transmettre. Les Chinois, de leur côté, lorsqu'ils auront à s'adresser au consulat, devront suivre une marche analogue auprès de l'autorité Chinoise, laquelle agira de la même manière.

Article Cinq.

Sa Majesté l'Empereur des Français pourra nommer des consuls ou des agents consulaires dans les ports de mer ou de rivière de l'Empire Chinois dénommés dans l'article six du présent traité pour servir d'intermédiaires entre les autorités Chinoises, et les négociants, et les sujets Français, et veiller à la stricte observation des réglements stipulés.

Ces fonctionnaires seront traités avec la considération et les égards qui leur sont dus. Leurs rapports avec les autorités supérieures seront établis sur le pied de la plus parfaite égalité. S'ils avaient à se plaindre des procédés de la dite autorité, ils s'adresseraient directement à l'autorité supérieure du lieu de leur résidence, et en donneraient immédiatement avis au Ministre

plénipotentiaire de l' Empereur.

En cas d'absence du Consul Français, les capitaines et les négociants Français auraient la faculté de recourir à l'intervention du Consul d'une puissance amie, ou s'il était impossible de le faire, ils auraient recours au chef de la douane qui aviserait au moyen d'assurer à ces capitaines et négociants le bénéfice du présent traité.

Article Six.

L'expérience ayant démontré que l'ouverture de nouveaux ports au commerce étranger est une des nécessités de l'époque, il a été convenu que les ports de Kiung-tchaou Kiung-tchaou et Tchaou-Tchaou dans la province de Kuang-tong, Taïwan Taïwan et Tamsui dans l'île de Formose, province de Fo-kien; Tou-tchao Tou-tchao dans la province de Chan-tong, et Nankin, dans la province de Kiang-nan, jouiront des mêmes privilèges que Canton, Shanghaï, Ning-po, Amoy et Fou-tchéou.

Quant à Nankin, les agents Français en Chine ne délivreront de passe-ports à leurs nationaux pour cette ville que

lorsque les rebelles en auront été expulsés par les troupes impériales.

Article Sept.

Les Français et leur famille pourront se transporter, s'établir et se livrer au commerce et à leur industrie en toute sécurité et sans entraves d'aucune espèce dans les ports et villes de l'Empire Chinois situés sur les côtes maritimes et sur les grands fleuves, dont l'énumération est contenue dans l'article précédent.

Ils pourront circuler librement de l'un à l'autre s'ils sont munis de passeports; mais il leur est formellement défendu de pratiquer sur la côte des ventes ou des achats clandestins sous peine de confiscation des navires et des marchandises engagés dans ces opérations, et cette confiscation aura lieu au profit du Gouvernement Chinois, qui devra cependant, avant que la saisie et la confiscation ne soient légalement prononcées, en donner avis au Consul Français du port le plus voisin.

Article Huit.

Les Français qui voudront se rendre dans les villes de l'intérieur ou dans les ports

où ne sont pas admis les navires étrangers, pourront le faire en toute sureté à la condition expresse d'être munis de passe-ports rédigés en Français et en Chinois légalement délivrés par les agents diplomatiques ou les Consuls de France en Chine, et visés par les autorités Chinoises.

En cas de perte de ce passeport, le Français qui ne pourra pas le présenter lorsqu'il en sera requis légalement, devra, si l'autorité Chinoise du lieu où il se trouve, se refuse à lui donner un permis de séjour pour lui laisser le temps de demander un autre passeport au Consul, être reconduit au Consulat le plus voisin, sans qu'il soit permis de le maltraiter ne de l'insulter en aucune manière.

Ainsi que cela était stipulé dans les anciens traités, les Français résidant ou de passage dans les ports ouverts au commerce étranger pourront circuler, sans passeports, dans leur voisinage immédiat, et y vaquer à leurs occupations aussi librement que les nationaux, mais ils ne pourront dépasser certaines limites qui seront fixées de commun

accord entre le Consul et l'autorité locale.

Les agents Français en Chine ne délivreront de passeports à leurs nationaux que pour les lieux où les rebelles ne seront pas établis dans le moment où ce passeport sera demandé.

Ces passeports ne seront délivrés par les autorités Françaises qu'aux personnes qui leur offriront toutes les garanties désirables.

Article Neuf.

Tous les changements apportés d'un commun accord avec l'une des puissances signataires des traités avec la Chine au sujet des améliorations à introduire au tarif actuellement en vigueur ou à celui qui le serait plus tard, comme aussi aux droits de douane, de tonnage, d'importation, de transit et d'exportation, seront immédiatement applicables au commerce et aux négociants Français par le seul fait de leur mise à exécution.

Article Dix.

Tout Français, qui conformément

aux stipulations de l'article six du présent traité arrivera dans l'un des ports ouverts au commerce étranger, pourra quelle que soit la durée de ~~son~~ son séjour, y louer ~~louer~~ des maisons et des magasins pour déposer ses marchandises ou bien affermer des terrains et y bâtir lui-même des maisons et des magasins. Les Français pourront, de la même manière, établir des églises, des hopitaux, des hospices, des écoles et des cimetières. Dans ce but, l'autorité locale, après s'être concertée avec le Consul, désignera les quartiers les plus convenables pour la résidence des Français, et les endroits dans lesquels pourront avoir lieu les constructions précitées.

Le prix des loyers et des fermages sera librement débattu entre les parties intéressées, et réglé autant que faire se pourra conformément à la moyenne des prix locaux.

Les autorités Chinoises empêcheront leurs nationaux de surfaire ou d'exiger des prix exorbitans, et le consul veillera de son côté à ce que les Français n'usent pas de violence ou de contrainte pour forcer le consentement des propriétaires. Il est bien

entendu d'ailleurs que le nombre des maisons, et l'étendue des terrains à affecter aux Français dans les ports ouverts au commerce étranger, ne seront point limités, et qu'ils seront déterminés d'après les besoins et les convenances des ayant droit. Si des Chinois violaient ou détruisaient des églises ou des cimetières Français, les coupables seraient punis suivant toute la rigueur des lois du pays.

Article Onze.

Les Français dans les ports ouverts au commerce étranger, pourront choisir librement et à prix débattu entre les parties, ou sous la seule intervention des consuls, des compradors, interprètes, écrivains, ouvriers, bateliers et domestiques. Ils auront en outre la faculté d'engager des lettrés du pays pour apprendre à parler ou à écrire la langue Chinoise, et toute autre langue ou dialecte usité dans l'Empire, comme aussi de se faire aider par eux soit pour leurs ~~écritures~~ écritures soit pour des travaux scientifiques ou littéraires. Les Chinois pourront également enseigner à tout sujet

Chinois la langue de leur pays, ou des langues étrangères, et vendre sans obstacle des livres français ou achetés eux-mêmes toutes sortes de livres Chinois.

Article Douze.

Les propriétés de toute nature appartenant ~~appartenant~~ à des Français dans l'Empire Chinois seront considérés par les Chinois comme inviolable, et seront toujours respectés par eux. Les autorités Chinoises ne pourront, quoiqu'il arrive, mettre embargo sur les navires français, ni les frapper de réquisition pour quelque service public ou privé que ce puisse être.

Article Treize.

La religion Chrétienne, ayant pour objet essentiel de porter les hommes à la vertu, les membres de toutes les communions chrétiennes jouiront d'une entière sécurité pour leurs personnes, leurs propriétés, et le libre exercice de leurs pratiques religieuses, et une protection efficace sera donnée aux missionnaires qui se rendront pacifiquement dans l'intérieur du pays, munis des passeports

réguliers dont il est parlé dans l'article huit.

Aucune entrave ne sera apportée par les autorités de l'Empire Chinois au droit qui est reconnu à tout individu en Chine d'embrasser, s'il le veut le Christianisme, et d'en suivre les pratiques sans être passible d'aucune peine infligée pour ce fait.

Tout ce qui a été précédemment écrit, proclamé ou publié en Chine par ordre du Gouvernement contre le culte Chrétien est com= =plètement abrogé, et reste sans valeur dans toutes les provinces de l'Empire

Article Quatorze.

Aucune société de commerce pri= =vilégiée ne pourra dorénavant s'établir en Chine, et il en sera de même de toute coalition organisée dans le but d'exercer un monopole sur le commerce.

En cas de contravention au pré= =sent article, les autorités Chinoises, sur les représentations du Consul ou de l'agent con= =sulaire, aviseront aux moyens de dissoudre de semblables associations dont elles s'efforceront,

d'ailleurs, de prévenir l'existence par des prohibitions préalables afin d'écarter tout ce qui pourrait porter atteinte à la libre concurrence.

Article Quinze

Lorsqu'un bâtiment Français arrivera dans les eaux de l'un des ports ouverts au commerce étranger, il aura la faculté d'engager tel pilote qui lui conviendra pour se faire conduire immédiatement dans le port et de même, quand après avoir acquitté toutes les charges légales, il sera prêt à mettre à la voile; on ne pourra pas lui refuser des pilotes pour le sortir du port sans retard ni délai.

Tout individu qui voudra exercer la profession de pilote pour les bâtiments Français, pourra, sur la présentation de trois certificates de capitaines de navires, être commissionné par le Consul de France, de la même manière que cela se pratiquerait pour d'autres nations.

La rétribution payée aux pilotes sera réglée selon l'équité pour chaque port en particulier par le Consul ou agent consulaire

lequel la fixera convenablement en raison de la distance et des circonstances de la navigation.

Article Seize.

Dès que le pilote aura introduit un navire de commerce français dans le port, le chef de la douane délèguera un ou deux préposés pour surveiller le navire et empêcher qu'il ne se pratique aucune fraude. Ces préposés pourront, selon leurs convenances, rester dans leur propre bateau ou se tenir à bord du bâtiment.

Les frais de leur solde, de leur nourriture, et de leur entretien seront à la charge de la douane Chinoise, et ils ne pourront exiger aucune indemnité ou rétribution quelconque des capitaines ou des consignataires. Toute contravention à cette disposition entraînera une punition proportionnelle au montant de l'exaction, laquelle sera en outre intégralement restituée.

Article Dix Sept.

Dans les vingt-quatre heures qui suivront l'arrivée d'un navire de commerce

Français dans l'un des ports ouverts au commerce étranger, le Capitaine, s'il n'est dûment empêché, et, à son défaut, le subrécargue ou le consignataire, devra se rendre au Consulat de France, et remettre entre les mains du Consul les papiers de bord, les connaissements et le manifeste. Dans les vingt-quatre heures suivantes, le Consul enverra au Chef de la douane une note détaillée indiquant le nom du navire, le rôle d'équipage, le tonnage légal du bâtiment, et la nature de son chargement. Si, par suite de la négligence du Capitaine, cette dernière formalité n'avait pas pu être accomplie dans les quarante-huit heures qui suivront l'arrivée du navire, le capitaine sera passible d'une amende de cinquante piastres par jour de retard au profit du Gouvernement Chinois; la dite amende toutefois ne pourra dépasser la somme de deux cents piastres.

Aussitôt après la réception de la note transmise par le Consulat, le Chef de la douane délivrera le permis d'ouvrir la cale. Si le Capitaine, avant d'avoir reçu le permis précité, avait ouvert la cale et commencé à décharger, il pourrait être condamné à une amende de cinq cents piastres, et les marchandises débarquées pourraient être saisies;

le tout au profit du Gouvernement Chinois.

Article dix-huit.

Les Capitaines et négociant Français pourront louer telles espèces d'allèges et d'embarcations qu'il leur plaira pour transports des marchandises et des passagers, et la rétribution à payer pour ces allèges sera réglé de gré à gré par les parties intéressés sans l'intervention de l'autorité Chinois, et par conséquent sans la garantie en cas d'accident, de fraude, ou de disparition des dites allèges. Le nombre n'en sera pas limité, et le monopole n'en pourra être concédé à qui que ce soit non plus que celui du transport par portefaix des marchandises à embarquer ou à débarquer.

Article Dix neuf.

Toutes les fois qu'un négociant Français aura des marchandises à embarquer ou à débarquer, il devra d'abord en remettre la note détaillée au Consul, ou agent Consulaire qui chargera immédiatement un interprète reconnu du Consulat d'en donner communication au Chef de la douane. Celui-ci délivrera sur le

champs un permis d'embarquement, ou de débarque-
-ment. Il sera alors procédé à la vérification des
marchandises dans la forme la plus convenable
pour qu'il n'y ait chance de perte pour aucune
des parties.

Le négociant Français devra se
faire représenter sur le lieu de la vérification (s'il
ne préfère y assister lui-même), par une personne
réunissant les qualités requises, à l'effet de veiller
à ses intérêts au moment où il sera procédé à
cette vérification pour la liquidation des droits,
faute de quoi toute réclamation ultérieure
restera nulle et non-avenue.

En ce qui concerne les marchan-
-dises taxées ad valorem, si le négociant ne peut
tomber d'accord avec l'employé Chinois sur la
valeur à fixer, chaque partie appellera deux
ou trois négociants chargés d'examiner les mar-
-chandises, et le prix le plus élevé qui sera
offert par l'un d'eux sera réputé constituer
la valeur réelle des dites marchandises.

Les droits seront prélevés sur le
poids net; on déduira en conséquence le poids
des emballages et contenants. Si le négociant

Français ne peut s'entendre avec l'employé Chinois sur la fixation de la tare, chaque partie choisira un certain nombre de caisses et de ballots parmi les colis objets du litige. Ils seront d'abord pesés tout, puis tarés ensuite, et la tare moyenne des colis pesés servira de tare pour tous les autres.

Si pendant le cours de la vérification, il s'élève quelque difficulté qui ne puisse être résolue, le négociant Français pourra réclamer l'intervention du consul lequel portera sur le champ l'objet de la contestation à la connaissance du chef des douanes, et tous deux s'efforceront d'arriver à un arrangement amiable, mais la réclamation devra avoir lieu dans les vingt-quatre heures; sinon il n'y sera pas donné suite. Tant que le résultat de la contestation restera pendant, le chef de la douane n'en portera pas l'objet sur ses livres, laissant ainsi toute latitude pour l'examen et la solution de la difficulté.

Les marchandises importées qui auraient éprouvé des avaries jouiront d'une réduction de droits proportionnée à leur dépréciation. Celle-ci sera déterminée équitablement, et, s'il le faut, par expertise contradictoire ainsi qu'il a

été stipulé plus haut pour la fixation des droits ad valorem.

Article Vingt.

Tout bâtiment entré dans l'un des ports de la Chine, et qui n'a point encore levé le permis de débarquement mentionné dans l'article dix-neuf, pourra dans les deux jours de son arrivée, quitter le port et se rendre dans un autre port sans avoir à payer ni droits de tonnage, ni droits de douane, attendu qu'il les acquittera ultérieurement dans le port où il effectuera la vente de ses marchandises.

Article Vingt et un.

Il est établi de commun accord que les droits d'importation seront acquittés par les Capitaines ou négociants Français au fur et à mesure du débarquement des marchandises, et après leur vérification. Les droits d'exportation le seront de la même manière lors de l'embarquement. Lorsque les droits de tonnage et de douane dus par un bâtiment Français auront été intégralement acquittés, le

chef de la douane délivrera une quittance générale sur l'exhibition de laquelle le Consul rendra ses papiers de bord au Capitaine et lui permettra de mettre à la voile.

Le Chef de la douane désignera une ou plusieurs maisons de change qui seront autorisés à recevoir la somme due par les négociants Français au compte du Gouvernement et les recepissés de ces maisons de change pour tous les paiements qui leur auront été faits seront réputés acquits du Gouvernement Chinois. Ces paiements pourront s'opérer soit en lingots, soit en monnaies étrangères dont le rapport avec l'argent sycé sera déterminé de commun accord entre le Consul ou l'agent Consulaire Français, et le Chef de la douane dans le différents ports, suivant le temps, le lieu et les circonstances.

Article Vingt-deux.

Après l'expiration des deux jours mentionnés ~~mentionnés~~ dans l'article Vingt, et avant de procéder au déchargement, chaque bâtiment de commerce Français acquittera intégralement

les droits de tonnage ainsi réglés pour les navires de cent cinquante tonneaux, de la jauge légale et au-dessus, à raison de cinq maces (un demi taël) par tonneau; pour les navires jaugeant moins de cent cinquante tonneaux, à raison de un mace (un dixième de taël) par tonneau. Toutes les rétributions et surcharges additionnelles antérieurement imposées à l'arrivé et au départ sont expressément supprimées, et ne pourront être remplacées par aucune autre.

Lors du paiement du droit précité, le Chef de la douane délivrera au Capitaine, ou au Consignataire un reçu, en forme de certificat, constatant que le droit de tonnage a été intégralement acquitté, et sur l'exhibition de ce certificat au Chef de la douane de tout autre port où il lui conviendrait de se rendre, le Capitaine sera dispensé de payer de nouveau pour son bâtiment le droit de tonnage, tout navire Français ne devant en être passible qu'une seule fois à chacun de ses voyages d'un pays étranger en Chine.

Sont exemptés des droits de tonnage, les barques, goëlettes bateaux caboteurs et autres

embarcations Français pontées ou non, employées au transport des passagers, bagages, lettres, comestibles, et généralement de tous objets non sujets aux droits; si les dites embarcations transportaient en outre des marchandises, elles resteraient dans la catégorie des navires jaugeant moins de cent cinquante tonneaux et paieraient à raison d'un dixième de taël (un mace) par tonneau.

Les négociants Français pourront toujours affréter des ~~jonques~~ jonques et autres embarcations Chinoises lesquelles ne seront soumises à aucun droit de tonnage.

Article Vingt-trois.

Toutes marchandises Françaises, après avoir acquitté, dans l'un des ports de la Chine, les droits de douane liquidés d'après le tarif pourront être transportées dans l'intérieur sans avoir à subir aucune autre charge supplémentaire que le paiement des droits de transit suivant le tarif modéré actuellement en vigueur, lesquels droits ne seront susceptibles d'aucune augmentation future.

Si des agents de la douane Chinoise,

contrairement à la teneur du présent traité, exigeaient des rétributions illégales ou prélevaient des droits plus élevés, ils seraient punis suivant les lois de l'Empire.

Article Vingt-Quatre.

Tout navire français entré dans l'un des ports ouverts au commerce étranger, et qui voudra n'y décharger qu'une partie de ses marchandises ne paiera les droits de douane que pour la partie débarquée; il pourra transporter le reste de sa cargaison dans un autre port, et l'y vendre. Les droits seront alors acquittés.

Dans le cas où des Français, après avoir acquitté dans un port les droits sur des marchandises, voudraient les réexporter et aller les vendre dans un autre port, ils en préviendraient le Consul ou agent consulaire. Celui-ci, de son côté, en informera le Chef de la douane, lequel, après avoir constaté l'identité de la marchandise et la parfaite intégrité des colis, remettra aux réclamants une déclaration attestant que les droits afférants aux dites marchandises ont été effectivement acquittés.

Munis de cette déclaration, les négociants Français n'auront, à leur arrivée dans l'autre port, qu'à la présenter par l'entremise du Consul au Chef de la douane qui délivrera pour cette partie de la cargaison, sans retard et sans frais, un permis de débarquement en franchise de droit; mais si l'autorité découvrait de la fraude ou de la contrebande parmi ces marchandises ainsi réexportées, celle-ci seraient après vérification confisquées au profit du Gouvernement Chinois.

Article Vingt-Cinq.

Aucun transbordement de marchandises ne pourra avoir lieu que sur permis spécial, et dans un cas d'urgence. S'il devient indispensable d'effectuer cette opération, il devra en être référé au Consul qui délivrera un certificat sur le vu duquel le transbordement sera autorisé par le Chef de la douane.

Celui-ci pourra toujours déléguer un employé de son administration pour y assister.

Tout transbordement non autorisé, sauf le cas de péril en la demeure, entraînera

la confiscation au profit du Gouvernement Chinois de la totalité des marchandises illicitement transbordées

Article Vingt-Six.

Dans chacun des ports ouverts au commerce étranger, le Chef de la douane recevra pour lui-même et déposera au Consulat Français des balances légales pour les marchandises et pour l'argent, ainsi que des poids et des mesures exactement conformes aux poids et aux mesures en usage à la douane de Canton, et revêtus d'une estampille et d'une cachet constatant cette conformité. Ces étalons seront la base de toutes les liquidations de droits et de tous les paiements à faire au Gouvernement Chinois. On y aura recours en cas de contestation sur le poids et la mesure des marchandises, et il sera statué d'après les résultats qu'ils auront donnés.

Article Vingt-Sept.

Les droits d'importation et d'exportation prélevés en Chine sur le commerce français seront réglés conformément au tarif

annexé au présent traité sous le sceau et la signature des Plénipotentiaires respectifs. Ce tarif pourra être révisé de sept en sept années pour être mis en harmonie avec les changements de valeur apportés par le temps sur les produits du sol et de l'industrie des deux Empires.

Moyennant l'acquit de ces droits dont il est expressément interdit d'augmenter le montant dans le cours des sept années susmentionnées, et que ne pourront aggraver aucune espèce de charge ou de surtaxe quelconque, les Français seront libres d'importer en Chine des ports Français ou étrangers, et d'exporter également de Chine pour toute destination toutes les marchandises qui ne s'y trouveraient pas, au jour de la signature du présent traité, et d'après la classification du tarif ci-annexé, l'objet d'une prohibition formelle ou d'un monopole spécial.

Le Gouvernement Chinois renonçant à la faculté d'augmenter par la suite le nombre des articles reputés contrabande ou monopole, aucune modification ne pourra être apportée au tarif qu'après une entente préalable avec le Gouvernement Français, et de son plein et entier

consentement.

A l'égard du tarif aussi bien que pour toute stipulation introduite, ou à introduire dans les traités existants, ou que seraient ultérieure=ment conclus, il demeure bien et dûment établi que les négociants, et en général tous les citoyens Français en Chine auront droit toujours et par=tout au traitement de la nation la plus favorisée.

Article Vingt-huit.

La publication d'un tarif convenable et régulier ôtant désormais tout prétexte à la contrebande, il n'est pas à présumer qu'aucun acte de cette nature soit commis par des bâtimens de commerce Français dans les ports de la Chine. S'il en était autrement, toute marchandise im=troduite en contrebande par des navires, ou par des négociants Français dans ces ports, quelle que soit d'ailleurs sa valeur et sa nature, comme aussi toute denrée prohibée, débarquées fraudu=leusement, seront saisies par l'autorité locale et confisquées au profit du Gouvernement Chi=nois. En outre, celui-ci pourra, si bon lui semble, interdire l'entrée de la Chine aux bâtimens

surpris en contravention, et le contraindre à partir aussitôt après l'apurement de ses comptes. Si quelque navire étranger se couvrait frauduleusement du pavillon de la France, le Gouvernement Français prendrait les mesures nécessaires pour la re=
=pression de cet abus.

Article Vingt-neuf.

La Majesté l'Empereur des Français pourra faire stationner un bâtiment de guerre dans les ports principaux de l'Empire, où sa présence serait jugée nécessaire pour maintenir le bon ordre et la discipline parmi les équipages des navires marchands, et faciliter l'exercice de l'autorité consulaire. Toutes les mesures nécessaires seraient prises pour que la présence de ces navires de guerre n'entraîne aucun inconvénient, et leurs Commandants recevraient l'ordre de faire exécuter les dispositions stipulées dans l'article trente-trois par rapport aux communications avec la terre et à la police des équipages.
Les bâtimens de guerre ne seront assujettis à aucun droit

Article Trente.

Tout bâtiment de guerre Français croisant pour la protection du commerce sera reçu en ami, et traité comme tel dans tous les ports de la Chine où il se présentera. Ces bâtiments pourront s'y procurer les divers objets de rechange et de ravitaillement dont ils auraient besoin, et, s'ils ont fait des avaries, les réparer et acheter dans ce but les matériaux nécessaires, le tout sans la moindre opposition.

Il en sera de même à l'égard des navires de commerce Français qui, par suite d'avaries majeures, ou pour toute autre cause, seraient contraintes de chercher refuge dans un port quelconque de la Chine.

Si quelqu'un de ces bâtiments venait à se perdre sur la côte, l'autorité Chinoise la plus proche, dès qu'elle en serait informée, porterait sur le champ assistance à l'équipage, pourvoierait à ses premiers besoins et prendrait les mesures d'urgence nécessaires pour le sauvetage du navire et la préservation des marchandises. Puis elle porterait le tout à la connaissance du Consul ou agent consulaire

le plus à portée du ministre ~~Ministre~~ pour que celui-ci, de concert avec l'autorité compétente, put aviser aux moyens de rapatrier l'équipage, et de sauver les débris du navire et de la cargaison.

Article Trente-un.

Dans le cas où, par la suite des temps, la Chine entrerait en guerre avec une autre puissance, cette circonstance ne porterait aucune atteinte au libre commerce de la France avec la Chine ou avec la nation ennemie. Les navires Français pourraient toujours, sauf le cas de blocus effectif, circuler sans obstacle des ports de l'une aux ports de l'autre, y trafiquer comme à l'ordinaire, et y importer ou en exporter toute espèce de marchandises non prohibées

Article Trente-deux.

S'il arrive que des matelots ou autres individus désertent des bâtiments de guerre ou s'évadent des navires de commerce français, l'autorité Chinoise, sur la réquisition du consul, ou, à son défaut, du capitaine, fera

tous ses efforts pour découvrir et restituer sur le champ, entre les mains de l'un ou de l'autre, les susdits déserteurs ou fugitifs.

Pareillement, si des Chinois déserteurs ou prévenus de quelque crime vont se réfugier dans des maisons français, ou à bord de navires appartenant à des Français, l'autorité locale s'adressera au Consul qui, sur la preuve de la culpabilité des prévenus, prendra immédiatement les mesures nécessaires pour que leur extradition soit effectuée. De part et d'autre, on évitera soigneusement tout recel et toute connivence.

Article Trente-trois.

Quand des matelots descendront à terre, ils seront soumis à des règlements de discipline spéciale qui seront arrêtés par le Consul, et communiqués à l'autorité locale, de manière à prévenir autant que possible toute occasion de querelle entre les marins français et les gens du pays.

Article Trente-quatre.

Dans le cas où des navires de commerce français seraient attaqués ou pillés par des pirates dans des parages dépendants de la Chine, l'autorité civile et militaire du lieu le plus rapproché dès qu'elle aura connaissance du fait, en poursuivra activement les auteurs et ne négligera rien pour qu'ils soient arrêtés et punis conformément aux lois. Les marchandises enlevées, en quelque lieu et dans quelque état qu'elles se trouvent, seront remises entre les mains du Consul qui se chargera de les restituer aux ayant droit. Si l'on ne peut s'emparer des coupables, ni recouvrer la totalité des objets volés, les fonctionnaires Chinois subiront la peine infligée par la loi, en pareille circonstance, mais ils ne sauraient être rendus pécuniairement responsables.

Article Trente-cinq.

Lorsqu'un sujet français aura quelque motif de plainte, ou quelque reclamation à formuler contre un Chinois, il devra

d'abord exposer ses griefs au Consul qui, après avoir examiné l'affaire, s'efforcera de l'arranger à l'amiable. De même, quand un Chinois aura à se plaindre d'un Français, le Consul écoutera sa réclamation avec intérêt et cherchera à ménager un arrangement à l'amiable. Mais si dans l'un ou l'autre cas, la chose était impossible, le Consul requerra l'assistance du fonctionnaire Chinois compétent, et tous deux, après avoir examiné conjointement l'affaire, statueront suivant l'équité.

Article Trente Six.

Si dorénavant des citoyens Français éprouvaient quelque dommage, ou s'ils étaient l'objet de quelque insulte ou vexation de la part de sujets Chinois, ceux-ci seraient poursuivis par l'autorité locale qui prendra les mesures nécessaires pour la défense et la protection des Français: à bien plus forte raison, si des malfaiteurs ou quelque partie égarée de la population tentaient de piller, de détruire, ou d'incendier les maisons les magasins des Français, ou tout autre

établissement formé par eux, la même autorité, soit à la requisition du Consul, soit de son propre mouvement, enverrait en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables et les livrer à toute la sévérité des lois; le tout sans préjudice des poursuites à exercer par qui de droit pour indemnisation des pertes éprouvées.

Article Trente-Sept.

Si des Chinois, à l'avenir deviennent débiteurs de capitaines ou de négociants français et leur font éprouver des pertes par fraude ou de toute autre manière, ceux-ci n'auront plus à se prévaloir de la solidarité qui résultait de l'ancien état de choses; ils pourront seulement s'adresser par l'entremise de leurs Consuls à l'autorité locale qui ne négligera rien, après avoir examiné l'affaire, pour contraindre les prévenus à satisfaire à leurs engagements suivant la loi du pays. Mais, si le débiteur ne peut être retrouvé, s'il est mort, ou en faillite, et s'il ne reste rien pour payer, les négociants Français ne pourront point appeler l'autorité

Chinoise en garantie.

En cas de fraude ou de non paie-
:ment de la part les négociants Français, le consul
prêtera, de la même manière, assistance aux
réclamants, sans que, toutefois, ni lui ni son
Gouvernement puissent, en aucune manière
être rendus responsables.

Article Trente. Suit.

Si malheureusement il s'élevait quelque
rixe ou quelque querelle entre des Français et des Chinois,
comme aussi dans le cas où, durant le cours d'une
semblable querelle, un ~~mort~~ ou plusieurs individus étaient
tués ou blessés, soit par des coups de feu, soit autrement,
les Chinois seront arrêtés par l'autorité Chinoise,
qui se chargera de les faire examiner et punir, s'il
y a lieu, conformément aux lois du pays.

Quant aux Français, ils seront arrêtés
à la diligence du Consul et celui-ci prendra toutes
les mesures nécessaires pour que les prévenus soient
livrés à l'action régulière des lois Françaises, dans
la forme et suivant les dispositions que seront
ultérieurement déterminées par le Gouvernement
Français. Il en sera de même en toute circonstance analogue et non prévue
dans la présente convention, le principe étant que, pour la répression des crimes
et délits commis par eux en Chine, les Français seront constamment régis
par les lois Françaises.

Article Trente Neuf. 13 Bogue

Les Français en Chine dépendront également, pour toutes les difficultés ou les contestations qui pourraient s'élever entre eux, de la juridiction française. En cas de différends survenus entre français et étrangers, il est bien stipulé que l'autorité Chinoise n'aura à s'en mêler en aucune manière. Elle n'aura pareillement à exercer aucune action sur les navires français: ceux-ci ne relèveront que de l'autorité Française et du capitaine.

Article Quarante.

Si, dorénavant, le Gouvernement de Sa Majesté l'Empereur des Français jugeait convenable d'apporter des modifications à quelques unes des clauses du présent traité, il sera libre d'ouvrir, à cet effet, des négociations avec le Gouvernement Chinois, après un intervalle de douze années révolues à partir de l'échange des ratifications. Il est d'ailleurs entendu que toute obligation non consignée expressément dans la présente convention ne saura être imposée aux Consul ou aux agents Consulaires, non plus

qu'à leurs nationaux, tandis que, comme il a été stipulé, les Français jouiront de tous les droits privilèges immunités et garanties quelconques qui auraient été, ou qui seraient accordés par le Gouvernement Chinois à d'autres puissances.

Article Quarante-un.

Sa Majesté l'Empereur des Français, voulant donner à Sa Majesté l'Empereur de la Chine une preuve des sentiments qui l'animent, consent à stipuler dans des articles séparés, ayant la même force et teneur que s'ils étaient insérés mot à mot au présent traité, les arrangements convenus entre les deux Gouvernements au sujet des questions antérieures aux événements de Canton et aux frais qu'ils ont occasionnés au Gouvernement de Sa Majesté l'Empereur des Français.

Article Quarante-deux.

Les ratifications du présent traité d'amitié, de commerce et de navigation seront échangées à Pékin dans l'intervalle d'un an à partir du jour de la signature ou plus tôt, si faire se peut, par Sa Majesté l'Empereur

des Français et par Sa Majesté l'Empereur de la Chine.

Après l'échange de ces ratifications, le traité sera porté à la connaissance de toutes les autorités supérieures de l'Empire dans les provinces, et dans la capitale, afin que sa publicité soit bien établie.

En foi de quoi, les plénipotentiaires respectifs ont signé le présent traité, et y ont apposé leurs cachets.

Fait à Tien-tsin, le vingt-septième jour du mois de Juin de l'an de grâce Mil huit cent cinquante huit, correspondant au dix septième jour de la cinquième lune de la huitième année de Hien-Foung.

Signé: Baron Gros L.S.
" Kouei liang. L.S.
" Houâ chana.

Pour copie conforme.
Bon Gros.

True copy
S. Wells Williams
Secy of Legation U.S.A.

Dispatch 29. Inclo 1
July 29. 1858

Treaty

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Majesty the Emperor of China, being desirous to put an end to the existing misunderstanding between the two countries, and to place their relations on a more satisfactory footing in future, have resolved to proceed to a revision and improvement of their treaties existing between them; and for that purpose have named as their Plenipotentiaries, that is to say;

Her Majesty the Queen of Great Britain and Ireland, The Right Honorable The Earl of Elgin and Kincardine, a Peer of the United Kingdom, and Knight of the most ancient and most noble order of the Thistle; and His Majesty the Emperor of China, the High Commissioner Kweiliang, a Senior Chief Secretary of State, Captain General of the Plain white Banner of the Manchu Banner Force, Superintendent General of the Administration of Criminal law, and Hwashana, one of His Imperial Majesty's Expositors of the Classics, Manchu President of the office for the Regulation of the Civil Establishment, Captain

General

General of the Bordered Blue Banner of the Chinese Banner Force, and Visitor of the Office of Interpretation,

Who, after having communicated to each other their respective Full Powers, and found them to be in good and due form, have agreed upon and concluded the following Articles

Art. I

The Treaty of Peace and Amity between the two nations signed at Nanking on the 29th day of August in the year 1842, is hereby renewed and confirmed.

The Supplementary Treaty and General Regulations of trade having been amended and improved, and the substance of their provisions having been incorporated in this Treaty, the said Supplementary Treaty and general regulations of trade are hereby abrogated.

Art. II

For the better preservation of harmony in future, H. M. The Queen of Great-Britain, and H. M. The Emperor of China mutually agree that in accordance with the universal practice of great and friendly nations, H. M. The Queen may if she see fit, appoint Ambassadors, Ministers, or other Diplomatic agents to the Court of Peking, and H. M.

the

the Emperor of China may in like manner if he see fit, appoint Ambassadors, Ministers or other Diplomatic Agents to the Court of St. James.

Art. III

H. M. The Emperor of China hereby agree that the Ambassador, Minister or other Diplomatic Agent so appointed by H. M. the Queen of Great Britain may reside with his family and establishment permanently at the Capital, or may visit it occasionally at the option of the British Govt. He shall not be called upon to perform any ceremony derogatory to him as representing the Sovereign of an independent nation on a footing of equality with that of China. On the other hand he shall use the same forms of ceremony and respect to H. M. The Emperor as are employed by the Ambassadors, Ministers or Diplomatic agents of H. M. towards the Sovereigns of independent and equal European nations.

It is further agreed that H. M's Govt. may acquire at Peking a site for building, or may hire houses for the accomodation of H. M's Mission, and that the Chinese Govt will assist it in so doing. H. M's Representative shall be at liberty to choose his own servants and attendants, who shall not

be

be subjected to any kind of molestation whatever.

Any person guilty of disrespect or violence to H. M's Representative or to any member of his family or establishment, in deed or word, shall be severely punished.

Art IV.

It is further agreed that no obstacle of difficulty shall be made to the free movements of H. M's. Representative, and that he and the persons of his suite may come and go, and travel at their pleasure. He shall moreover have full ~~(power)~~ liberty to send and receive his correspondence to and from any point on the sea coast that he may select; and his letters and effects shall be held sacred and inviolable. He may employ for their transmission special couriers who shall meet with the same protection and facilities for travelling as the persons employed in carrying Despatches for the Impl. Govt, and generally he shall enjoy the same privileges as are accorded to Officers of the same rank by the usage and consent of Western nations.

All expenses attending the Diplomatic Mission of Great Britain in China shall be borne by the British Govt.

Art

Art V.

H. M. The Emperor of China agrees to nominate one of the Secretaries of State, or a President of one of the Boards, as the High Officer with whom the Ambassador, Minister, or other Diplomatic Agent of H. M. the Queen shall transact business, either personally or in writing, on a footing of perfect equality

Art VI

H. M. the Queen of Gt. Britain agrees that the privileges hereby secured shall be enjoyed in her dominions by the Ambassador, Minister or Diplomatic Agents of the Emperor of China, accredited to the Court of H. M.

Art VII

H. M. the Queen may appoint one or more Consuls in the Dominions of the Emperor of China, and such Consul or Consuls shall be at liberty to reside in any of the open Ports or Cities of China, as H. M. the Queen may consider most expedient for the interests of British commerce.

They shall be treated with due respect by the Chinese Authorities and enjoy the same privileges and immunities as the Consular officers of the

most

most favoured nations

Consuls or Vice Consuls in charge shall rank with Intendants of Circuit; Vice Consuls, Acting Vice Consuls and Interpreters with Prefects. They shall have access to the official residences of these officers, and communicate with them either personally or in writing, on a footing of equality, as the Interests of the Public service may require

Art VIII

The Christian Religion, as professed by Protestants or Roman Catholics inculcates the practice of virtue, and teaches man to do as he would be done by. Persons teaching or professing it therefore, shall alike be entitled to the protection of the Chinese authorities, nor shall any such, peaceably pursuing their calling, and not offending against the Law, be persecuted or interfered with.

Art IX

British subjects are hereby authorised to travel for their pleasure, or for purposes of trade to all parts of the Interior under Passports which will be issued by their Consuls and counter-signed by the local authorities. These passports if demanded must be produced for examination

in

in the localities passed through. If the passport be not irregular the Bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons or hiring vessels for the carriage of his Baggage or merchandize. If he be without a passport or if he commit any offence against the Law, he shall be handed over to the nearest Consul for punishment, but he must not be subjected to any ill usage in excess of necessary restraint. No passport need be applied for by persons going on excursions from the ports open to trade to a distance not exceeding 100 Li, and for a period not exceeding 5 days.

The provisions of this Article do not apply to crews of ships, for the due restraint of whom regulations will be drawn up by the Consul and the local authorities.

In Nanking and other cities disturbed by persons in arms against the Govt, no passport shall be given until they shall have been recaptured.

Art X.

British merchant ships shall have authority to trade upon the Great River (Yang-tsze). The upper and lower valley of the River being however disturbed by outlaws, one Port shall be for the present opened to trade with the exception of Chin-Kiang which

shall

shall be opened in a year from the date of the signing of this Treaty. So soon as peace shall have been restored, British vessels shall also be admitted to trade at such Ports as far as Hankow, not exceeding three in number, as the British Minister, after consultation with the Chinese Secretary of State may determine shall be ports of Entry and Discharge.

Art XI

In addition to the Cities and Towns of Canton - Amoy - Fuchow - Ningpo and Shanghai, opened by the Treaty of Nanking, it is agreed that British subjects may frequent the cities and Ports of Newchang, Tangchow - Taiwan, (Formosa) Chan-chow (Swatow) and Kiung-chow (Hainan). They are permitted to carry on trade with whomsoever they please, and to proceed to and fro at their pleasure with their vessels and merchandize. They shall enjoy the same privileges advantages and immunities at the said towns and ports as they enjoy at the ports already open to trade, including the right of residence, of buying or renting Houses, of leasing land therein and of building Churches, Hospitals and Cemeteries.

Art. XII

British subjects whether at the Ports or at

other

other places, desiring to build or open Houses, Ware houses, Churches, Hospitals or Burial Grounds, shall make their arrangement for the land or Buildings they require at the rates prevailing among the people, equitably and without exaction on either side.

Art XIII

The Chinese Govt will place no restrictions whatever upon the employment by British subjects of Chinese subjects in any lawful capacity

Art XIV

British subjects may hire whatever boats they please for the transport of goods or passengers and the sums to be paid for such boats shall be settled between the parties themselves without the interference of the Chinese Govt. The number of these boats shall not be limited, nor shall a monopoly in respect either of the boats or of the Porters or Coolies engaged in carrying the goods be granted to any parties. If any smuggling takes place in them, the offenders will of course be punished according to law.

Art XV

All questions in regard to rights, whether of property or person arising between British subjects,

shall

shall be subject to the jurisdiction of the British Authorities.

Art XVI

Chinese subjects who may be guilty of any criminal act towards British subjects shall be arrested and punished by the Chinese Authorities according to the laws of China.

British subjects who may commit ~~convict~~ any crime shall be tried and punished by the Consul or other public functionary authorised thereto according to the laws of Great Britain.

Justice shall be equitably and impartially administered on both sides

Art XVII

A British subject having reason to complain of a Chinese must proceed to the Consulate and state his grievance. The Consul will enquire into the merits of the case and do his utmost to arrange it amicably. In like manner if a Chinese have reason to complain of a British subject, the Consul shall no less listen to his complaint and endeavor to settle it in a friendly manner. If disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the assistance of the Chinese authorities,

that

that they may together examine into the merits of the case and decide it ~~amicably~~ equitably.

Art XVIII

The Chinese authorities shall at all times afford the fullest protection to the persons and property of British subjects whenever these shall have been subjected to insult or violence. In all cases of incendiarism or robbery, the local authorities shall at once take the necessary steps for the recovery of the stolen property, the suppression of disorder and the arrest of the guilty parties, whom they will punish according to the law.

Art XIX

If any British merchant vessel while within Chinese waters be plundered by robbers or pirates, it shall be the duty of the Chinese authorities to use every endeavour to capture and punish the said Robbers or Pirates, and to recover the stolen property that it may be handed over to the Consul for restoration to the owner.

Art XX

If any British vessel be at any time wrecked or stranded on the coast of China, or be compelled to take refuge in any Port within the dominions of the

the Emperor of China, the Chinese authorities on being apprized of the fact shall immediately adopt measures for its relief and security, the persons on board shall receive friendly treatment and shall be furnished if necessary with the means of conveyance to the nearest Consular station.

Art XXI

If criminals, subjects of China, shall take refuge in Hongkong or on board the British ships there, they shall upon due requisition, by the Chinese authorities, be searched for, and, on proof of their guilt be delivered up. In like manner if Chinese offenders take refuge in the Houses or on board the vessels of British subjects at the open Ports, they shall not be harboured or concealed, but shall be delivered up on due requisition by the Chinese Authorities addressed to the British Consul.

Art XXII

Should any Chinese subject fail to discharge debts incurred to a British subject, or should he fraudulently abscond, the Chinese authorities will do their utmost to effect his arrest, and enforce recovery of the debts. The British Authorities will likewise do their utmost to bring to justice any British subject fraudulently absconding, or failing to discharge

debts

debts incurred by him to a Chinese subject.

Art. XXIII

Should natives of China who may repair to Hongkong to trade incur debts there, the recovery of such debts must be arranged for by the English Courts of justice on the spot, but should the Chinese debtor abscond and be known to have property, real or personal within the Chinese territory, it shall be the duty of the Chinese authorities, on application by and in concert with the British Consul to do their utmost to see justice done between the parties.

Art. XXIV

It is agreed that British subjects shall pay on all merchandize imported or exported by them the Duties prescribed by the Tariff, but in no case shall they be called upon to pay other or higher duties than are required of the subjects of any other foreign nation.

Art. XXV

Import Duties shall be considered payable on the landing of the goods, and Duties of Export, on the shipment of the same.

Art. XXVI

Whereas the Tariff fixed by Article X of the Treaty of Nanking, and which was estimated so as to impose

on

on Imports and Exports a duty at about the rate of 5 per cent ad valorem has been found by reason of the fall in value of various articles of merchandize therein enumerated to impose a duty upon these considerably in excess of the rate originally assumed as above to be a fair rate, it is agreed that the said Tariff shall be revised and that as soon as the Treaty shall have been signed, application shall be made to the Emperor of China to depute a high Officer of the Board of Revenue to meet at Shanghai officers deputed on behalf of the British Govt. to consider its revision together, so that the Tariff as revised may come into operation immediately after the ratification of this Treaty.

Art XXVII

It is agreed that either of the high contracting Parties to this Treaty may demand a further revision of the Tariff, and of the commercial articles of this Treaty, at the end of ten years but if no demand be made on either side within six months after the end of the first ten years, then the Tariff shall remain in force for ten years more, reckoned from the end of the preceding ten years; and so it shall be, at the end of each successive period of ten years.

Art

Art XXVIII

Whereas it was agreed in Art. X of the Treaty of Nanking that British imports, having paid the Tariff duties should be conveyed into the interior, free of all further charges, excepting a transit duty, the amount whereof was not to exceed a certain percentage on tariff value, and whereas no accurate information having been furnished of the amount of such duty, British merchants have constantly complained that charges are suddenly and arbitrarily imposed by the provincial authorities as Transit dues upon produce on its way to the foreign market and on imports on their way into the interior; to the detriment of trade, it is agreed that within four months from the signing of this Treaty, at all ports now open to British trade, and within a similar period, at all ports that may hereafter be opened, the authority appointed to superintend the collection of duties shall be obliged, upon application to the Consul, to declare the amount of duties levyable on produce between the place of production and the port of shipment, and upon imports between the Consular port in question and the inland markets named by the Consul, and that a notification

thereof

thereof shall be published, in English and Chinese, for general information.

But it shall be at the option of any British subject, desiring to convey produce purchased inland to a port or to convey imports from a port to an inland market, to clear his goods of all transit duties, by payment of a single charge. The amount of this charge shall be leviable on exports at the first barrier they may have to pass, or, on imports, at the port at which they are landed; and on payment thereof a certificate shall be issued which shall exempt the goods from all further inland charges whatsoever. It is further agreed that the amount of this charge shall be calculated as nearly as possible, at the rate of two and a half per cent, ad valorem, and that it shall be fixed for each article at the conference to be held at Shanghai for the revision of the Tariff.

It is distinctly understood that the payment of Transit-dues, by commutation or otherwise, shall in no way affect the Tariff duties on imports or exports, which will continue to be levied separately and in full.

Art XXIX

British merchant vessels of more than 150

tons

tons burden shall be charged tonnage dues at the rate of four mace per ton; if of 150 tons and under, they shall be charged at the rate of one mace per ton.

Any vessel clearing from any of the open ports of China for any other of the open ports or for Hongkong, shall be entitled, on application of the Master, to a special certificate from the Customs, on exhibition of which she shall be exempted from all further payment of tonnage dues in any open port of China, for a period of four months, to be reckoned from the date of her port clearance."

Art XXX

The Master of any British (~~ship~~) Merchant vessel may within 48 hours after the arrival of his vessel, but not later, decide to depart without breaking bulk, in which case he will not be subject to pay tonnage dues. But tonnage dues shall be held due after the expiration of the said 48 hours. No other fees or charges upon entry or departure shall be levied.

Art XXXI

No tonnage dues shall be payable on boats, employed by British subjects in the conveyance of passengers, baggage, letters, articles of provision, or other articles not subject to duty, between any of the open Ports. All cargo boats, however, conveying

merchandize

merchandize subject to duty, shall pay tonnage dues, once in six months at the rate of four mace per register ton.

Art XXXII

The Consuls and Superintendents of Customs shall consult together regarding the erection of Beacons or Light Houses, and the distribution of Buoys and Light ships as occasion may require.

Art XXXIII

Duties shall be paid to the Bankers authorised by the Chinese Govt to receive the same in its behalf, either in Sycee, or in foreign money, according to the assay made at Canton ~~on~~ the 13th of July 1843.

Art XXXIV

Sets of standard weights and measures, prepared according to the standard issued to the Canton Custom House by the Board of Revenue, shall be delivered by the Superintendent of Customs to the Consul at each port, to secure uniformity and prevent confusion.

Art XXXV

Any British merchant vessel arriving at one of the open Ports, shall be at liberty to engage the services of a pilot to take her into port. In like manner after she has discharged all legal dues and duties, and

it

is ready to take her departure, she shall be allowed to select a pilot, to conduct her out of Port.

Art. XXXVI

Whenever a British merchant vessel shall arrive off one of the open Ports, the Superintendent of Customs shall depute one or more Customs officers to guard the ship. They shall either live in a Boat of their own or stay on board the ship as may best suit their convenience. Their food and expenses shall be supplied them from the Custom House and they shall not be entitled to any fee whatever from the master or consignee. Should they violate this regulation they shall be punished proportionately to the amount exacted.

Art XXXVII

Within 24 hours after arrival the ships papers, bills of lading, &c, shall be lodged in the hands of the Consul, who will within a further period of twenty-four hours, report to the Superintendent of Customs, the name of the ship, her register tonnage, and the nature of her cargo. If owing to neglect on the part of the Master, the above rule is not complied with within 48 hours after the ship's arrival, he shall be liable to a fine of 50 taels for every day's delay; the total amount of penalty however shall not exceed 200 taels.

The Master will be responsible for the correctness

of

of the manifest, which shall contain a full and true account of the particulars of the cargo on board. For presenting a false manifest, he will subject himself to a fine of 500 taels; but he will be allowed to correct, within 24 hours after delivery of it to the Customs Officers, any mistake he may discover in his manifest without incurring this penalty.

Art. XXXVIII

After receiving from the Consul the report in due form, the Superintendent of Customs shall grant the vessel a permit to open hatches. If the Master shall open hatches and begin to discharge any goods without such permission, he shall be fined 500 taels, and the goods discharged shall be confiscated wholly.

Art XXXIX

Any British merchant who has cargo to land or ship must apply to the Superintendent of Customs for a special permit. Cargo landed or shipped without such permit will be liable to confiscation.

Art. XL

No transhipment from one vessel to another can be made without special permission under pain of

confiscati

confiscation of the goods so transhipped.

Art XLI

When all dues and duties shall have been paid the Superintendent of Customs shall give a Port clearance and the Consul shall then return the ship's papers, so that she may depart on her voyage.

Art. XLII

With respect to articles subject according to the Tariff, to an ad valorem duty, if the British merchant can not agree with the Chinese officer in fixing a value, then each party shall call two or three merchants to look at the goods, and the highest price at which any of these merchants would be willing to purchase them shall be assumed as the value of the goods.

Art. XLIII

Duties shall be charged upon the nett weight of each article, making a deduction for the tare weight of congee, &c. To fix the tare on any article such as tea, if the British merchant cannot agree with the Custom House Officer then each party shall choose so many chests out of every hundred, which being first weighed in gross, shall afterwards be tared, and the average tare upon these chests shall be assumed as the tare upon the whole, and upon this principle shall the tare be fixed upon ~~the~~ all other

goods

goods in packages – If there should be any other points in dispute which cannot be settled, the British merchants may appeal to his Consul who will communicate the particulars of the case to the Superintendent of Customs that it may be equitably arranged. But the appeal must be made within 24 hours or it will not be attended to. While such points are still unsettled, the Supt. of Customs shall postpone the insertion of the same in his books.

Art XLIV

Upon all damaged goods, a fair reduction of duties shall be allowed, proportionate to their deterioration. If any disputes arise they shall be settled in the manner pointed out in the clause of this Treaty having reference to articles which pay duty ad valorem.

Art XLV

British merchants who may have imported merchandize into any of the open Ports and paid the duty thereon, if they desire to re-export the same, shall be entitled to make application to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods, as entered in the Custom House Books, correspond with the representation made,

and

and that the goods remain with their original marks unchanged, and he shall then make a memorandum on the port clearance of the goods, and of the amount of duties paid, and deliver the same to the merchant, and shall also certify the facts to the officers of Customs of the other Ports. All which being done, on the arrival, in Port of the vessel in which the goods are laden, every thing being found on examination there to correspond, she shall be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination the Supt. of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to confiscation by the Chinese Govt.

British merchants desiring to re-export duty paid imports to a foreign country, shall be entitled on complying with the same conditions as in the case of re-exportation to another Port in China - to a drawback certificate, which shall be a valid tender to the Customs in payment of import or export duties.

Foreign grain brought into any port of China in a British ship, if no part thereof has been landed, may be re-exported without hindrance.

Art

Art XLVI

The Chinese authorities at each port ~~may~~ shall adopt the means they may judge most proper, to prevent the revenue suffering from fraud or smuggling.

Art XLVII

British merchant vessels are not entitled to resort to other than the Ports of Trade declared open by this Treaty. They are not unlawfully to enter other Ports in China, or to carry on clandestine trade along the coasts thereof. Any vessel violating this provision shall with her cargo, be subject to confiscation by the Chinese Govt.

Art XLVIII

If any British merchant vessel be concerned in smuggling, the goods whatever their value or nature, shall be subject to confiscation by the Chinese authorities, and the ship may be prohibited from trading further, and sent away, so soon as her accounts shall have been adjusted and paid.

Art XLIX

All penalties enforced or confiscations made under this Treaty, shall belong and be appropriated to the Public Service of the Govt of China.

Art L.

All official communications addressed by the

Diplomatic

Diplomatic and Consular agents of H. M. the Queen to the Chinese authorities, shall henceforth be written in English. They will for the present be accompanied by a Chinese version, but it is understood that in the event of there being any difference of meaning between the English and Chinese text, the English Govt. will hold the sense as expressed in the English text to be the correct sense. This provision is to apply to the Treaty now negotiated, the Chinese text of which, has been carefully corrected by the English original.

Art. LI

It is agreed that henceforward the character 夷 (Barbarian) shall not be applied to the Govt or subjects of H. B. M. in any Chinese official Document issued by the Chinese authorities either in the Capital or in the Provinces.

Art LII

British ships of war coming for no hostile purpose, or being engaged in the pursuit of Pirates, shall be at liberty to visit all Ports within the Dominions of the Emperor of China, and shall receive every facility for the purchase of provisions, procuring water and if occasion require, for the making of repairs.

The Commanders of such ships shall hold intercourse

intercourse with the Chinese Authorities on terms of equality and courtesy.

Art LIII

In consideration of the injury sustained by native and foreign commerce from the prevalence of Piracy in the seas of China, the High Contracting parties agree to concert measures for its suppression.

Art LIV

The British Govt. and its subjects are hereby confirmed in all privileges, immunities and advantages conferred on them by previous treaties; and it is hereby expressly stipulated that the British Govt. and its subjects will be allowed free and equal participation in all privileges, immunities and advantages that may have been or may be hereafter granted by H. M. the Emperor of China to the Govt. or subjects of any other nation

Art LV

In evidence of her desire for the continuance of a friendly understanding, H. M. the Queen of Great Britain and Ireland, consents to include in a separate article, which shall be in

every

every respect of equal validity with the articles of this Treaty, the conditions affecting indemnity for expenses incurred and losses sustained in the matter of the Canton question.

Art LVI

The Ratifications of this Treaty under the hand of H. M. the Queen of Gt. Britain and Ireland, and of H. M. the Emperor of China, respectively, shall be exchanged at Peking, within a year from this day of signature.

In token whereof the respective P. P. have signed and sealed this Treaty.

Done at Tientsin, this 26th day of June in the year of our Lord, 1858; corresponding with the Chinese date, the 16th day, 5th moon, of the 8th year of Hien Fung.

Seals
and
Signatures

True Copy
S. Wells Williams
Secretary of Legation U.S.A.

Private.

Shanghae July 31. 1858.

My Dear Sir,

I was very much gratified by your friendly private letter of the 22d May which reached me a few days ago. I have been - as my public despatches show - not a little out of spirits, (I dare not say out of temper,) at not hearing from the Government at home for so long a time, for I could not but feel that a heavy responsibility rested on me, the most inexperienced diplomatist of your whole staff - and that a few words of encouragement from home would have greatly cheered me. Still I do not complain now as I have heard, and I have, I suppose, succeeded. My public despatch, which goes by this mail, contains the latest public intelligence and you will on that subject with the exception of the Canton difficulty every thing here looks well - You may consider this very much as my formal despatch on treaty matters for it will be necessary for me at as early a period as possible in the winter to avail myself of your permission and to return home. I shall be glad to have an old acquaintance

P

of this dispatch directed to me in duplicate and such
Gra Mercuilles to the care of the Brit. Consuls at Singapore
and Alexandria. I rely on your and my good friend God
Jouey to let the Minnesota boy on to the Russia - for
letters this facility I shall be much at a loss

And now, my dear Sir, I must presume on the kindness
expressed in your letter and in your uniform kind[illegible] of me
to say a word about my successor. I feel a deep solicitude
about it for I am enough here to impress me very much
by the gravity of the trust, especially as it is to be hereafter,
when the representatives of the Western powers are to be on at
least here the right to be in direct relations to the Court. It
is a trust too which in the new interest that will surround
it may tempt any one's ambition, and I think the President
has a right to call to it a man of high position. I have no
doubt the English and French governments will select first
rate men -- Supposing the treaty to be ratified when Congress
meets, it would be well for the President to make his selection
at once so that the new Minister with the ratified treaty
should be here in March or April at the latest to proceed to
Pekin. Before the end of March he could hardly go North

but he should be at Shephae in March - It is my intention
leaving China in December to pass the Month of January
and perhaps March in Europe and thus will give me the
opportunity - they conduction it seems to me to the public
interests - of conferring fully with my successor on result
then on a thousand things to be said which cannot well
be written - and as my family must-one in Europe it
will be impossible to wait-here longer than the time I
have indicated - In one respect we are most fortunate -
in having Mr Williams here. He is quite contented with his
present post and entirely capable of filling a higher one
so that the public interest suffers from the accidental absence
of the Minister. -- As the new Minister is to go to Pekin, the
squadron ought to accompany him there and I hope by that
time we shall have in our ranks one small war steamer.
It will be as this is to be the first visit, a special appropriation
ought to be made for him - It need not be a large sum.

Here is one passage in your private letter which excites
surprise me. You speak of my proposition to unite with the
English and French in a hostile movement. I must have expressed
myself very unfortunately if such an idea could be deduced from
any thing I have written - I did at one time ask, with

Defence

assume to the claims a power to direct, and if need be use force but I never thought of uniting with any body for I hold all concert action with European powers in the East or elsewhere as most cowardly to be despised. I only say this to put myself right with you, for happily every thing here as far as we are concerned is amicably adjusted

I am under the impression that the news here will depress our rate of Exchange – and I shall tell the history of proceedings for you the sketch of such a one as I think it needed.

So soon as I fall in with the commodore I shall tell one with him the merits of the lease of land for a Naval depot in the Canton River – At present recollect I disclaim against it, very much opposed to any new conquests with the South of China

Lord Elgin went to Japan this morning to return in a fortnight – I shall remain here till the Imperial Commissioners arrive

I am, My dear Sir
faithfully yr
William. B. Reed

J. M.
Hon: Lewis Cass

Recd 12. Nov. Mr Dewitt

Legation of the United States.

Shanghae. August: 12. 1858

My Dear Sir,

I make this a private communication as the intelligence I have, tho' entirely to be relied on, comes to me unofficially.

A few days ago an American schooner the Sophia arrived here from the Russian settlements on the Amoor having on board a Mr Ratchefsky, bearer of despatches to Count Poutiatin. He called on me and informed me that early in July. I should or the 6th. General Mouravieff, the Governor of Siberia had signed a treaty of limits with the Chinese Imperial Authorities by which the left bank of the Amoor and its territory had been finally ceded to Russia; and further that all the territory East of the River Usuri, a Southern tributary of the Amoor, to the Ocean had also been ceded. This gives to the Russians possession of the whole coast on the gulf of Tartary North of the

the forty second parallel of latitude. This intelligence has not been communicated to the English as much, and may not be known yet to the Secretary of Washington. The Russian bearer of despatches sailed immediately for California. I look for Count Poutiatin every day.

Lord Elgin is in Japan. Baron Gros is here, awaiting with me the arrival of the Imperial Commissioners.

I adhere to my intention to leave China at the latest in December.

I am, Dear Sir
faithfully yr
William B. Reed.

To the
Hon. Lewis Cass
Secretary of State
Washington.

P. S. The Captain of the Sophia brings a Rumour that Mr Harris the Consul General in Japon had succeeded in visiting Yedo and having an interview with the Emperor.

1858

Aug 14th

Mr Reed

7

Rec'd 17. Nov

Official, No 30.

Legation of the United States
Shanghai, September 1. 1858

Sir,

After waiting until the 19th August, the latest period appointed for the arrival of the Imperial Commissioners, I addressed a letter to the Governor General, informing him that I was still at Shanghai, and enquiring the reason for this delay. His reply (Inclosures 1a 1b) is annexed, from which you will see that the Commissioners are not to arrive till October; though it is intimated that some subordinate officers are, in the meantime, to begin the proposed revision of the Tariff. Doubts are entertained whether the Imperial Commissioners mean to come at all, and whether the whole scheme of action by Officers of so high rank is not one of those inscrutable devices to attain some unintelligible result which Chinese public men are so fond of. I shall regret their failure to come as it will frustrate the only reasonable hope

The Honble Lewis Cass
Secretary of State
Washington

hope of the peaceful adjustment of the Canton difficulty.

The last intelligence from that region is of the attack, by a combined military and naval force, on the town of Nantow, north of Hongkong. The City was taken, pillaged, and, to a large extent, destroyed. The loss of the English was considerable, especially of Officers. This affair is but another symptom of the wretched condition of things in the South, - lingering hostilities waged on both sides, necessarily, with ferocity, and pitiful results. In the meantime, trade is suspended, and the Colonies of Macao and Hongkong are suffering under all sorts of petty, but most vexatious, annoyances, such as the Chinese are adepts in inflicting. It is said forty thousand Chinese, traders, labourers and servants, have left Macao, (the aggregate population being but sixty thousand) and at Victoria, it is very much the same thing. The United-States Ship, Germantown, is left at Whampoa to watch over the remnant of American property and commerce.

Should the Imperial Commissioners not come to Shanghai, so as to effect a peaceful arrangement, and no reinforcement of troops arrive, I cannot look forward to any other than one of two results, the evacuation of Canton - or its retention, as it

is

is, for an indefinite time. My own opinion is that the only effectual remedy for existing and inevitable evil is, evacuation. Baron Gros, who is still here, informed me, a day or two ago, that he is in daily expectation of the arrival of two thousand French troops at Canton, and that he is in favour of retaining possession of the City till the requisitions of the new Treaties are complied with. Lord Elgin has not yet returned from Japan. He can, I think, hardly look for any English reinforcements till affairs in India are more completely settled.

I am awaiting his arrival and that of Count Poutiatine in order to ascertain, if possible, the result of their recent negociations with the Japanese. By this mail, in charge of a special bearer of despatches, goes the new Treaty, which, on the 29th July, was signed by Mr Harris, our Consul General, with the Emperor of Japan - In a private letter, received from Mr Harris, I learn, (and I mention this in case of any accidental delay of the courier in charge of the despatches) that the Treaty gives us a Resident Minister at Yedo, opens to trade five of the best harbours and the cities of Yedo and Osaca - secures the free exercise of Christianity

Osaka

and

and Missionary enterprise, with the right to build churches. The practice of trampling on the Cross, as the symbol of Christianity, is forbidden. The currency is satisfactorily adjusted. For this success, Mr Harris certainly deserves great credit. I have not seen the Treaty, but believe I correctly describe it.

The English and Russian Ministers knew nothing of the American Treaty when they left Nagasaki for the Gulf of Yeddo.

Thus, have China and Japan been coincidently opened to the trade and policy of the West, - and, so far as our agency is involved, without one drop of blood being shed or any unkind feeling created.

The current business of this Legation has been without interest.

I beg again to call your attention to the subject of the traffic in Coolies, between China and the West Indies. Unless despatches containing the views of the Government on this subject are now on their way to me, I shall be obliged to leave China without knowing whether the measures of prevention, to which I had recourse, meet with the approval of the President or not. If they do, it

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is much to be regretted that the knowledge of the fact cannot be communicated to the unscrupulous men who are engaged in this infamous traffic, and a new warning be given. If they do not, then it would have been gratifying to me to know at least that I was sustained by the Government in the view I take of the trade, even though no existing law can be found to apply to it.

The Consul at Amoy under date of the 19th July says, "In relation to the cooly trade I am happy "to be able to report great decrease, I hope stop. There has "been an attempt to load one vessel, the large British "steamer "Cleopatra" since my last. This was "attended with much difficulty, and was, I suspect, "only partially successful. The steamer was detained "long in port paying heavy demurrage, as coolies "could not be obtained. Then a small steamer was "chartered to go to Swatow and tow up a Lorcha filled "with victims, said to have had 200 on board. The "Lorcha was cast off low, just outside of the entrance "to Amoy, when the Coolies rose, gained the mastery "over those in charge, ran the Lorcha on shore, "plundered the vessel and escaped. The parties "engaged in the bringing of the coolies kept the

"matter

"Malta so close, that it is not known whether any lives were
"lost or not. Reports were contradictory. After this a
"larger steamer was chartered (British) at Macao or
"Hongkong and came to this, via Swatow, I conjecture,
"with Coolies, for I have not obtained any certain
"knowledge of the case. Immediately after this, the
"Cleopatra" sailed for Havana. This was in May, since
"which time, there has nothing transpired indicating
"any transactions in the cooly trade."

I regret to say, later intelligence has reached me that a new impulse has been given to the trade, and that a number of American ships are now in China, and more are expected, to take large cargoes from Macao and Hongkong to the Havana. I do not attribute, in any way, the increase of this business to the sudden stoppage of the passenger trade with California in consequence of the act of the Legislature of that State, lately made known here, which will affect a very different description of emigrants. Such as can go thither, able, and willing to pay their passage, and return, have no resemblance to the wretched Coolie, who is decoyed and penned up in the barracoons at Macao, and is stowed away between the decks of the English and American ships now engaged in the traffic.

In the views ~~that~~ already I have expressed as to the Coolie trade to the West Indies, I am conscious of no other impulse than that of ordinary sympathy with human suffering. There is an invariable law as to the fate of a large number of these poor creatures, on their way from the East to the West, - disease, - suicide, or death from barbarous treatment. As certain, is their doom when they arrive - irredeemable slavery under the form of freedom. In its ultimate results, I ~~ultimately~~ believe this Asiatic slave trade is as bad, if not worse, than the African slave trade ever was, for the African may assimilate and is cared for. The Asiatic is kept isolated, so long as, in numbers, he is weak, and when the numbers become great, the isolation still continuing, there comes a certain and fatal struggle, in which the Asiatic as the weakest, falls. It has been so, in Java, in Luzon, in Borneo. So before long will it be in Cuba. B 172

All that I have hoped for is that some measures shall be taken to prevent American ships from being used in this traffic.

I transmit for the consideration of the President a memorial lately addressed to me by the American ship masters in this port on a subject Begin

to

to which I have more than once addressed you the necessity of prisons at the Consular ports (Inclosure 2)

I have also the honour to forward (Inclosure 3) the sketch of such an Act of Congress as seems to me to be required by the provisions of the new Treaty. I prefer a modification of the existing system, to which the Consular agents are used, to any attempt at complete reorganization. This act so far changes the Statute of 1848 as, expressly, to give the Commissioner original jurisdiction in cases where a Consul is either party or witness. As the law now is, a Consul has no redress against an American citizen; and an American citizen has no redress against him.

I have the honour to be

Sir,

Your obedient Servant

William B. Reed

Encl

Dispatch N°. 30. Enc. 1
Sept. 4. 1858

The Undersigned. Envoy Extraordinary and Minister Plenipotentiary of the United States to China, received a dispatch last month from Your Excel. lency, informing him that an Imperial Decree had been issued directing Kweiliang, Hwashana, and others to take the seal of Imperial Commis. sioners, and proceed to Kiangnan by post, and that your Excellency supposed that they would reach Suchau by the first decade of the seventh month.

The Undersigned replied to this dispatch on the 29th ult. informing your Excellency that out of respect to these distinguished officers appointed by His Majesty the Emperor to consult with respect to commercial affairs in conjunction with your Excel. lency, he would await their arrival on the day appointed. The first decade of the month has now expired without their arrival, and the Undersigned is desirous to know how soon the arrival of their Excellencies, the Imperial Commis. sioners may be certainly looked for.

William B. Reed

To His Excellency Ho

Governor-general of the Two Kiang provinces,

&c &c &c

August 19th. 1858 (i.e. the 11th day of the 7th moon of the 8th year of Hienfung)

His Governor-general of the Two Kiang Provinces, Guardian of the Heir Apparent, &c &c., hereby sends a reply.

I had the honor, on the 23d. inst. to receive a communication from your Excellency, in which you remark as follows:-

"I received a dispatch in which "your Excellency informed me that an Impe- "rial Decree had been received, directing Kwei- "liang, Hwashana, and others to proceed by post "to Kiangsu. The first decade of the 7th moon "has now expired without their arrival, and "I am desirous to know when they will "arrive at Shanghai, &c."

It is true that an Imperial Decree was received as then stated; but subsequently, when the Imperial Commissioners Kweiliang and Hwashana, were sending an answer to a dispatch from the British Plenipotentiary to them, they stated to me at the same time, that their departure from Peking had been somewhat delayed by the illness of Kipu: and that an Imperial Decree had been issued ordering Twan, a civilian of the 5th rank, to

be joined with the high officer Ming. and both of them to leave the capital on the 19th inst. It was further stated that as they themselves had been ordered to attend to some matters of public business on their way down, they would not be able to travel by post regularly, but would endeavor to arrive by the end of the month ending October 6th

I have already directed the provincial Judge. Sieh, to inform your Excellency of these particulars: but it is proper also for me to embody them also in this reply which I now send for your information and guidance

To His Excellency W B Reed
Envoy Extraordinary and Minister
Plenipotentiary of U. S. A. in China

August 25th 1858

Dispatch No. Inc. 2.
Sept. 4. 1858.

Begin

(Copy)

May it please Your Excellency,

The Undersigned, Your memorialists, Masters of American Ships now lying in the port of Shanghai, respectfully represent.

Whereas from the peculiar nature of the relations between the American and Chinese Governments, the latter can take neither civil or criminal jurisdiction over any citizen of the United States, whether seamen or resident, and in consequence thereof the U.S. Consul has been invested by his government with extra judicial powers over all its citizens and especially and in addition to the usual Consular power over the seamen and masters of American ships.

And whereas from the reasons aforesaid the U.S. Consul is not in a position to avail himself of the police force or prisons of the Chinese Authorities in executing the penalties of the law: the Undersigned beg leave to submit.

That it appears to them that the necessity for erecting a prison, and instituting the means of punishing with hard labor or solitary confinement, or both, as the Consular Court may in

in its wisdom decree; is immediate and pressing; for the reasons following.

To wit. The Consular Court is now holding daily sittings, and scarcely a day passes that there is not a civil or criminal cause pending; And when from the nature of the offence, the punishment should in the opinion of the court be severe, such as imprisonment and hard labor, and they find accordingly, it is the opinion of your memorialists that the result is a mockery, both of law and justice; simply because - in the absence of a man of war which is not unfrequent - there is no prison and no means of inflicting any material punishment and after the sentence of the court has been read to the offending party, the Consul has no alternative but to set at liberty the person whom the law has pronounced a criminal, to commit, if he pleases, further crime with the most ridiculous impunity.

And again, when a case is pending between a Master and a seaman, and fine or imprisonment is the punishment decreed, the offending party, if a master of a ship, is usually mulcted in pecuniary damages, which the Consul has in his power to collect, to almost any amount: but if the offending party be a seaman,

the

the Consul can neither recover the fine or inflict the imprisonment: and thus again are the ends of justice defeated - and not only this - but a positive injustice is done the shipmaster.

The British Government whose relations with the Chinese Government are identical with those between the latter and the American Government, as your memorialists believe, have had a substantial and suitable building erected and used as a jail; and the proceedings of the British Consular Courts are, as your memorialists believe, as regular and effectual as the proceedings of any Court of similar jurisdiction in the Kingdom of Great Britain, notwithstanding the fact that the facility of access to the Colonial Courts of Hongkong would seem to leave the British Consul - if without the means of imprisonment or other punishment - in a comparatively unembarrassed position

Your memorialists are well aware that the British Consul has, as a matter of favor, granted to the American Consul the use of the British jail, when it was not crowded; but this is not always the case; and not unfrequently as your memorialists believe, application from the American Consul for the use of the jail, has been refused - always of course in courteous

terms

terms - on the ground that the jail was already crowded.

But whether the British jail be crowded or vacant, your memorialists submit that it is a question, whether a great nation like the United States of America, should place itself in a position to receive, nay - to ~~accept~~ ask as a favor from a foreign nation, that which its means are as ample as any other power on the face of the earth, to furnish itself.

Your Memorialists believe that your Excellency cannot have failed to observe the necessity which they now urge as existing; and they beg that your Excellency will take into consideration this their memorial, and at an early day urge upon the Government some action in the premises.

And as in duty bound your memorialists will ever pray

To the Hon: W. B. Reed
Envoy Extraordinary and Minister Plenipotentiary
of the United States to China

(Signed on the next page)

George N. Potter, Master Ship "Hotspur" of New York
Prince Harding " " "Oscar" " Boston
P. Bier " " "Sancho Panza" "
Frederick Johnson " Barque "Kremlin" "
Wm H. Harrison " Ship "Bell Rock" "
Charles H. Odell " Barque "Quickstep" "
John Munro " " "Ann" New York
C. Coggins " Ship "Pampero" "
Ernest Lane " " "Eureka" "
John Sweeney " Bark "Lucky Star" "
John Henry " Ship "Magnet" Boston
William Cole — formerly of " "Nabob"
Wm. B. Preston Bark "Lucky Star" N.Y.
John Baxter Ship "Nabob"
Charles Gill " "Emma"
Jas. Higham " "N. B. Palmer"

End

Dispatch No. Inc. 3.
Sept. 4. 1858

An Act to carry into effect certain Provisions of the Treaty with China.

Section 1. Be it enacted that the Act entitled "an Act to carry into Effect certain Provisions in the Treaties between the United States and China an the Ottoman Porte, giving certain judicial powers to Ministers and Consuls of the United States in those Countries" passed the Eleventh day of August 1848, except so far as it may be modified by the Provisions of this Act be and the same is hereby renewed and declared to be applicable to the Treaty signed at Tientsin on the 18th day of June 1858 between China and the United States.

Section 2. That the jurisdiction of the Commissioner or Chief Diplomatic Officer in China, in all matters of civil redress or of crimes shall be appellate only, to be exercised whenever the said Commissioner may be except in cases where a Consular officer shall happen to be interested either as party or witness in which case original jurisdiction is vested in the said Commissioner.

Section 3. That the sum of thousand dollars be appropriated for the purpose of erecting or hiring buildings or parts of buildings to be used as prisons for American convicts in China and paying Keepers; the said sum to be applied and distributed under the Authority of the Commissioner or Chief

Diplomatic officers in China

Mr Berrick

Sheerness. Sep. 2. 1858

My Dear Sir,

I congratulate you on a new diplomatic success for your Administration in the East and I can honestly say such your operations in other quarters that I am most [illegible] of which has occurred here because it will give you pleasure and I hope ultimately in history your administration. The mail carries home Mr Harris new treaty with Japan - and it is represented to be very liberal indeed - Since my despatch was written Lord Elgin has returned here too - following Mr Harris' footprints has made a treaty. I saw him last night and he spoke warmly of his great obligations to Mr Harris. His Lordship owns much out of temper with

with his Government at home.

There are one or two things as to the future to which in a few words I wish to direct your attention.

1. My successor. I hope you will be able to communicate the success of a first-rate mission for the treaty in the initiation of things at Pekin will be a most delicate and interesting one. If you can not find such a man as Williams is entirely capable tho' he has no claims for such an election

2. He should be nominated and confirmed so as to be here at Shanghae by the beginning of March when the Eastern Ministers will approach Pekin. Coming overland as he will, he ought to leave the U.S. early in January. I mean to leave Russia in December and hope to return by the way of Europe so that I can confer with my successor on his way

3. He ought to be a full Minister and very

to Policy, he ought to have a special appropriation which must not be lays.

4. The vacant Consulates on this coast should be filled - And I sincerely recommend William E. Roberts now here Esqr at Hong Kong for the Canton Consulate. He is the most capable officer in China

I hope you will excuse me for bringing these matters directly to your attention

And am, My Dear Sir

Sincerely yr.

William. B. Reed

The President

Referred to the
State Department.
J. B

Recd 1st Dec.
Senate
transmitted for printer

Official N: 31

Legation of the United States,
Shanghai, Sept. 4. 1858

Sir,

I have the honour to forward to you by Mr. Paulding Tattnall, bearer of dispatches from the Consul-general at Simoda, a duplicate copy, certified by the Secretary of Legation, of the Treaty between the United States and China, signed at Tientsin on the 18th of June. The duplicate originals in English and Chinese, will for the present be retained here.

As this is the last opportunity I shall have of communicating with you in time for the meeting of Congress, I beg leave to add a few remarks on the Treaty itself, and its probable effect and operation in addition to those which I have already made to you. They apply equally to the treaties made by the other Western powers. They are necessarily in a certain sense specula-

tive,

To Hon'ble Lewis Cass
Secretary of State
Washington

tive; and I am quite aware, being admonished of it every moment that I pass here, how illusory speculation as to Chinese character and conduct is apt to be – still desiring the President to have before him the best views that even brief experience enables me to form, I think it my duty to express them.

If the inquiry be made how far we can depend on the fulfillment of the provisions of the treaties by the Chinese, no one will venture on more than general statements in reply. It is hardly worth while to go into any detail as to the differences in the moral, intellectual, and physical qualities and power of the parties to these compacts; and yet in estimating the extent to which the Chinese government will carry out their provisions it must be constantly borne in mind that this is a government where a sense of temporary expediency is much more the rule of action than what is understood as law and authoritative precedent. Each governor of a province has more or less legislative and executive functions, and is held responsible for the wellbeing of the territory committed to him; and so is each judge, intendant,

prefect,

prefect, and distinct magistrate under him: all these functionaries make as well as execute the laws within certain limits. How depends on the character and temper of the individual incumbent here than anywhere. If the governor. general at Canton in October 1856. had changed places with the one at Yah. chau, it is quite possible that there would have been no disturbance at the former place.

The real nature of the Chinese govern. ment is a mixture of despotism and democracy which is difficult to explain to those who have not seen its actual workings. The central government is supposed to be the irresponsible source of all power and authority; and its working officers at the capital labor together to maintain their position and influence in the remotest parts of the empire. But when one of their number is sent with proconsular powers to a distant province, he knows that the people are tenacious of their usages; and while they would like and expect to be protected are not disposed to pay

to

to pay more than they are obliged for this protection. The ruler was once one of the people, and spent his early days as a private subject. He knows, too, that he can expect little help of money or men from the central government in case of insurrection; he must depend mainly on the resources of his jurisdiction, and endeavour to forward a large surplus revenue to Peking over and above all the local outlays for the civil, military, and naval services. A governor-general or governor have similar powers in their particular provinces, to that which the Emperor has over the whole; but they have no responsibility for the condition of other provinces, and send nothing to them in case of trouble unless ordered from court. Consequently the provinces and departments do not have that bond of union which a practically powerful despotic government might [illegible] and it explains the comparative liberty the people possess, since the central power cannot concentrate its energy upon a single point, and thus reduce them at once, and thoroughly suppress revolt or discontent.

All

All this shows that when the central power in China makes a treaty with a foreign nation, it puts itself under obligations which it may be unable to carry into full effect from the integral weakness of its organization. It is to the credit of China, through its long existence, that it has based its principles of government upon the good administration of law and the protection of industry; and endeavored to obtain the best agents to carry out these purposes by subjecting them to a series of competitive examinations in the most moral works their literature affords. The excellence of the system has been proved by its long existence. No stream rises higher than its fountain, and we are all conscious that the moral perverseness of the Chinese cannot be removed or changed by mere human morality, however refined. This government is ridiculously weak if looked at in respect to the physical resources at its command to repel invasion or repress sedition, but it is strong in the passive regard the people have for their institutions, which survive even changes of dynasty.

dynasty.

The real authority is a kind of composition of forces, the tyranny of irresponsible despotic power, primary or delegated, acting against the license of ignorant democracy, often goaded by poverty or misguided by sedition. In estimating the chances of the peaceable workings of a treaty with such a people and government, one hardly knows whether to fear most from their weakness when called on to repress, what is very apt always to occur, an attack upon a foreign vessel or individual, when it finds itself unable to satisfy the injured party; or to hope more from the good-nature and peaceful habits of the mass of people. Cases of violence constantly occur among the people which the government never thinks of interfering with; the officers leave them to the gentry and headmen to settle among themselves, and the latter expect to do much to maintain the peace of their own region. Sometimes the power of the middle class of gentry sets the regular authorities at defiance, as is supposed to be the case now at Canton. In the dreadful insurrection about Canton in 1854-55,

when

when it was estimated that more than half a million of inhabitants lost their lives by violence within twenty months in that single prefecture, the gentry coöperated with the government in suppressing the sedition. Yeh has been held up to opprobium by foreigners for his ruthless executions of the prisoners taken in that rising; but the people, who would have suffered by a rebel victory, better knew the deadly nature of the struggle, and did all in their power to arrest the disturbers of the public peace, and deliver them over, after they had been tried and condemned to death by committees in every large town.

The assertion and maintenance of a principle is not to be expected among a people whose whole political system is one of expediency, who regard peace, no matter how obtained, the end and evidence of good government, and whose ideas of government are directed rather to the support of their rulers than defining their own rights. The Chinese among pagan nations deserve great consideration for the advances they have made in self-government; though much of the praise they have received has been from

those

those who, having never lived among them, is praised them unduly because they supposed they had reached a higher point of excellence even than some Christian or any Moslem nation. But those who come from Western lands, where truth and integrity are held to be character itself, and supposing these descriptions to have some truth, are shocked at the flagrant violations of these cardinal virtues they meet in daily intercourse among the people, and perhaps place the race too low.

The treaties of Tientsin were signed by officers who had considerable knowledge of one of the practical results of the former treaties, viz. that the revenue had been greatly increased during the fourteen years of their operation; but who knew little of the character of foreigners. They supposed that trade was their main object in coming so near to the Imperial court; and were ready to grant almost any mercantile privilege not incompatible with their independence; but they were ignorant of the resources, and afraid of the real designs of their visitors, and consequently closer political

relations

relations were not desired, chiefly from fear that they were only a pretext for something more. Judging others by themselves, and knowing what designs of conquest they would carry out if possessed of the irresistible power seen in the hands of their visitors, they were loth to believe in the assertions made. The demand of the right of residence at Peking for foreign ministers, for instance, seemed to them like seeking for a privilege which was not worth the trouble of such an array of force, and therefore that some ulterior designs were couched in it. Their own subjects had gone abroad and returned without ambassadors to look after them. They went and came at their own risk. If they were treated well it showed the humanity of foreign nations, and that those nations had at last learned something of "the benevolence of the Son of heaven" If they were treated ill, as was often the case, it only proved the barbarism of the foreigners, but did not call for interference on the part of the Emperor, who never took a thought about undutiful subjects who left their native land. This is the Chinese mode

of

of reasoning on this point; and the success of the foreign ministers at Peking in removing these misconceptions will vindicate the wisdom of the demand. On the whole, I think the officials of this empire, judging from the varied experience of my predecessors and myself, will be desirous to carry out the provisions of the treaty, if they find that remissness is likely to be noticed, and violations are fairly represented to them; but the impediments thrown in the way of audience and redress will be sufficiently vexatious.

One of the prolific sources of trouble in carrying out the stipulations of treaties is in another direction — viz. the difficulty of getting justice done to the Chinese when they are wronged by those who claim and obtain exterritoriality and exemption from all their laws. It results from the combined action of several causes. One is the difficulty of procuring such testimony as can reasonably be taken when the witnesses are Chinese, whose assertions must be received with doubt. Another is the loss of reputation in the little social community that clusters here, which would attach to a

foreigner

foreigner who should prosecute another for a crime committed against a native, or even bear witness against him for wrong done the latter. No native can arraign any foreigner in his own courts for crime; for not only is the principle of ex-territoriality claimed by those who have, but by those who have no treaties, and even no consuls at the open ports; and he feels his helplessness when attempting to lay a criminal case before a consul.

A case in point may be cited. In July 1856, the foreign community at Fuhchau was highly excited at the homicide of an American, who was killed in a street brawl among some of the townsfolk. The United States' Commissioner did all he could to urge the Governor-general to apprehend the offenders, and the criminal was arrested and executed during the next year. About two months after the homicide, a passage-boat crossing the river some miles below the city was fired into by an Englishman under the apprehension that it was piratical, and a man killed. His body was brought to the door of the English consulate, and the demand for justice compromised for thirty-dollars. The different management of the two cases, happening as they did about the same

time

time, made an unfavorable impression on the minds of natives. It is not known that a foreigner has ever been executed for the murder of a Chinese except in the colonies of Hongkong and Macao; and the recurrence of cases like the above make an impression on the Chinese; and when repeated by lawless men who deem themselves free from all authority, they rise and revenge themselves, as was the case last year at Ningpo where twenty-eight Portuguese were massacred by sailors who had long suffered from them or their countrymen.

With every desire to do justice to the native, the foreign Minister or Consul finds it very difficult to execute the laws of his own country upon the criminals who are brought before him. The English consuls have been able to do it more than any other, and their efforts tend to relieve the shortcomings of others, as the mass of natives make no distinction. In respect, too, to this whole subject of wrongs and injuries by both sides, it should be mentioned that the best portion of the Chinese are well aware of the desperate character of the lower classes of their countrymen, and of the numerous aggressions, defalcations, and even murders,

suffered

suffered by foreigners from them; so that a sort of rude balance of wrongs and benefits on both sides is struck in their minds, with results varying according to accident and temperament

There are now perhaps fifteen hundred foreigners resident at ports along this coast, and three times that number in the shipping there at a given time, all of whom are more or less under the cognizance of their consuls. If these gradually become scattered over the interior, it will be difficult to follow them; and if they suffer from the natives, or commit outrages, it will be no easy matter to settle the wrong while it is fresh and evidence is available. Where the entire administration of law is loose and partial, foreigners begin soon to look upon all Chinese laws as deriving much of their sanction and justice from the degree of power that exists to enforce them. This weak government is therefore rendered weaker by those who should rather strengthen it, and who would do so if their interests lay in that direction.

This disregard for native law in the abstract has much of it grown out of the illegal traffic in opium. The history of this traffic, discred-

itable

itably in every way, need not be reviewed; but there can be no doubt in the mind of an impartial observer, that the understood impunity on the part of those who deal in this drug, has the effect of weakening their respect for all laws, especially those of a fiscal character. So of other things. In some of the open ports, a bargain is made by the importer of goods with the custom-house authorities as to the amount of duties he shall pay on his cargo; and the export-duties are settled in the same way by the native dealer. It would be abundantly easy for the local customs-authorities to collect the full duties on all goods if they had careful and honest agents. This state of things shows both their weakness and inefficiency, and how soon foreigners systematically take advantage of it. Indeed, no sooner does a careless officer allow an article to enter either free or under a nominal duty, than the repetition of the admission a few times is likely to be construed into a precedent, even against the plainest construction of the tariff. If, however, on the other hand the foreigner suffers a damage, or pays a higher duty than the strict letter of the tariff, he strenuously demands the

reti-

rectification of the mistake. The native officials think doubtless that one might offset the other, for they often practice the same mode of judging in dealing with their own people. They oppress as far as they can, and the people resist to their utmost, and do maintain their own position against tyranny.

In carrying out the treaty much depends upon the conduct of foreigners in their daily intercourse with the Chinese. The respectable among them have a character for fulfilling their promises and paying liberally, which leads the natives to trust in them; and it is to be hoped this character will not be lost or seriously damaged, at least among the English-speaking portion of them. In case of wrong suffered the Chinese rulers will be, as ever, usually desirous to smooth it over, hush it up, or let it pass; and their dislike to taking trouble about it, especially when considerable time has passed, and it happened in a distant region of the country, or under their predecessors, will require power to overcome it. Even the resident minister at Peking may find the officers there as loth to attend to his complaints, as he will find it difficult to execute justice on his countrymen for their misdoings.

The

Chinese do not wish to have trouble with foreigners, but their erroneous notions and perverse practice in dealing with them are almost sure to lead to it; while some consideration may be due to their general conduct in estimating this whole subject of intercourse. They say that they have no credit for the efforts they do make to act rightly towards them; and on one occasion they brought up the numerous cases in which they had kindly treated the French missionaries found in the country in violation of treaty, and taken them long journeys, as an offset to the harsh treatment of the one who was killed in Kwangsi. Their opinion has some grounds for it, but their own conceit, obstinacy, and misrepresentations, always stand very much in the way of their getting a fair judgment for themselves.

In short, the Chinese have so many features of justice, liberty, and civilization in their social system and government, that we are led to expect all the results seen in western lands from the action of these qualities; but investigation shows that oppression, mendacity, and ignorance so constantly neutralize what is excellent in theory and principle, that we begin to wonder how anything

good

good remains, and why the whole system does not fall into ruin. The peaceful disposition, untiring industry, and democratic origin of the rulers, are doubtless the chief preservative elements.

In conclusion, I would estimate the value of these new treaties in view of the relations they place China in to the great nations of the world, as compacts, which will open other channels of intercourse with her people than those of trade. The safety of her government and institutions during the long existence history gives them, has been owing very much to her isolation. Though she has been conquered by Tartars, that isolation has not been broken as it is likely soon to be by the ingress of western enterprise, learning, and religion. It will be an interesting experiment to see how the millions of this pagan land will receive the diverse lessons in every branch of human excellence and wickedness they are likely to have set before them and enacted among them. It will also be a perilous experiment, and its conduct and consequences cannot fail to attract the attention of every friend of humanity. The contact of the Christian and pagan world now to be developed,

loped, must almost necessarily produce the destruction and absorption, or the elevation and strengthening of the latter:— it cannot remain as it is for any length of time. That contact with China assumes an importance and involves responsibilities that can neither be overestimated nor avoided. Christianity has the power in itself to elevate and strengthen those nations which receive it; but the question here will be whether the old system is to be totally demolished and then reconstructed; or whether it can be altered and renovated to adapt itself to new influences and institutions without undergoing the horrors of revolution.

There must be power at hand to show the Chinese the danger of violating the provisions of these treaties; but every wellwisher to the success of the great experiment now initiated, should hope that some higher and steadier principle will regulate the exercise of power than has heretofore seemed to govern it. The two wars with which China has been afflicted in 1839 and 1856. have been, confessedly, wars of injustice and wrong; or, in other words they were instances of the unscrupulous application of

power

power under the influence of a sordid or sudden impulse; and one effect has been to impress deeply upon these helpless heathens the idea that the power of western nations is at hand not for purposes of protection or real justice, but as a sort of permanent threat that if any material interest be interfered with, however illegitimate, this power will be ruthlessly used to their destruction. There is no stronger illustration of this than in the repugnance the Chinese have to deal with the subject of opium. They fear (I incline to think they do not desire) to prohibit it, or seize it, or confiscate it, and I sometimes think they shrink from legalizing it and making it dutiable, less from any sense of duty to themselves, or regard to their countrymen, or fear of Imperial authority, than from an ill-defined and not irrational apprehension that the great commercial monopolists here (not American houses) prefer the present unworthy state of things, and might resent a departure from it. It is idle to deny that these great Houses, one of them it is said commanding large Parliamentary influence, have political influence here. They have defeated

pro.

prohibition heretofore. They now dislike legalization, and in the wretched strife of these selfish interests, the disgrace continues.

This is a pregnant instance of the effect of a long continued abuse of power, which confounds all sense of right and wrong, and of obligation to comply with treaties or obey law.

Whether in the proposed revision of the Tariff (and no other mode is left) Lord Elgin means to endeavour in any way, either by efficient prohibition, or legalization with high duties, to dispose of this standing opprobium, I have no means of knowing. No better time could be than now when the English Government is about to assume the active responsibilities of the East India Company, including that of the forced growth and sale of opium, with its revenue of £5,000,000 sterling.

I refer to this subject now only as an incidental illustration of a general state of things here. Should it form any part of the proposed modification of the Tariff, I shall have the honour, before leaving China, to address you specially on the subject.

The general result of such meditation

as

as I have given the subject of the probable operation of the Treaties as between the political contracting parties is hopeful. I believe the Chinese will comply with them. If they do the nations of the West owe a sacred duty of repression on their own citizens, and a strict observance of law. If they do not, China should be made to feel that power is at hand to make them do what is right, and not, as I have said is often the case, to make them or tempt them to do wrong

I have the honour to be,

Sir.

Your Obedient Servant,

William B. Reed

Rec'd Dec'r

Official
No. 32.

Legation of the United States
On Board The Minnesota.
Off Woosung September 15. 1858

Sir,

I have the honour to acknowledge your despatch, No. 12, dated Washington 25th of June, with its enclosures. I beg you to thank the Secretary of the Navy for his prompt compliance with my wish as to returning to the United States in this ship, either by the way of Aden or the Cape of Good Hope. I shall avail myself of the leave to return in the month of December, or sooner, if the details of pending negociation as to the Tariffs can be arranged— and shall of course advise you of my movements— I know of no more appropriate occasion than this, to repeat the expression of my sincere gratitude to the Naval Service in China for uniform kindness and consideration; and I attribute it very much to the precision with which our relations were defined, and to the eminent good sense of the officers in commiand.

Nothing

To The Honourable
Lewis Cass
Secretary of State.

Nothing could be more harmonious and agreeable than has been our intercourse from first to last, and I refer to it with great satisfaction in contrast with the state of things of which most of my predecessors had reason to complain.

Little of interest has occurred since my last despatch, unless it be the return from Japan, of their Excellencies, the English and Russian Ministers. They visited Yedo, resided for some days in the city, and signed, each a Treaty with the Japanese. The Russian treaty was signed before Lord Elgin arrived. It corresponds, Count Poutiatine informs me, with that of the United States. Nor does the English treaty materially differ. I learn unofficially that its only new privileges are a Five per cent duty on cottons and woollens, (which I presume enures to us) - a revision of the Treaty in five years, - and that the Treaty shall go into operation on the first instead of the fourth of July 1859. Lord Elgin, in conversation, expresses himself as under great obligation to Mr. Harris for courtesy and assistance. I refer to these matters connected with Japan, thinking it probable you may not receive official intelligence directly thence for a long time.

The Russian Minister, having completed the performance of his duties here, returns to Europe

by

the next Steamer.

His Excellency Baron Gros sailed for Japan on the 11th inst.

The arrangement of the details of the new Tariffs, to be determined on, so soon as the Imperial Commissioners arrive, has been delegated to gentlemen familiar with commercial relations and have been nearly completed. In these preliminary conferences, Mr. Williams, the Secretary of Legation, has represented the United States. So soon as the Tariffs are concluded, I shall have the honour to address you particularly on the subject - being one of considerable interest to our fellow citizens, merchants and manufacturers.

From Canton, the news is understood to be favourable. The Governa General has issued a proclamation to the Chinese in which he says: "I command "you to pursue your usual callings and behave discreetly "now that you know that Peace has been declared at "Tientsin, and that henceforward Natives and Foreigners "shall be as friends. Tranquility will be restored and "trade unhindered will flow in its accustomed channels "Dated August 17th 1858."

I sincerely hope a pacification may soon take place.

It is in connexion with the probable State of things in the South of China, that your

Suggestion

suggestion, in Despatch No 12., as to the lease for a long term of years of an Island in the Canton River, requires on my part great consideration. I have two difficulties about it; one a conscientious doubt as to the policy of the United States beginning to acquire property of this Kind in the East (for a lease of a hundred years is equivalent to ownership) - and the other a still graver doubt as to the eligibility of such an acquisition anywhere in the South, or indeed anywhere, except in this immediate neighbourhood; for here, at or near the mouth of the great central River of China, must be the Seat of Commerce. Yielding any scruples I may have on the first point and obeying your instructions, I shall at a proper season make the necessary inquiry and inform you of the result.

Permit me in conclusion to add a few earnest words on a subject in which I have no personal interest whatever but which is of great importance in our future relations to this Empire. I mean the manner in which my Successor shall be accredited and equipped on the occasion of his first visit, as the bearer of the ratified treaty, to Pekin. It will be absolutely necessary for him to have the highest Diplomatic rank known to our laws, the support and cooperation of the Naval forces on this Station, if as is most probable, he shall

approach

approach the capital by the way of the Gulf of Pechili and the Peiho - and further the benefit of a liberal special appropriation to defray the necessary expenses of such a mission. Such an appropriation need not be very large. It is not designed and will not of course be used, for any competition with the expensive ceremonial of European Plenipotentiaries. But it is needed for the peculiar incidents and exactions of new travel and residence in this country. Without it, the American Minister must be in mortifying dependence either on the Chinese who, whatever construction they may put on the motives of those who receive it, are not wanting in a certain Kind of liberality, or on the Representatives of other Powers which is still less agreeable. - It is needed for special Interpreters, both foreign and Chinese, those who can write as well as speak the language. My limited experience and observation whilst at the mouth of the River and during the negociations at Tientsin, satisfied me of the absolute necessity of what I now take the liberty of pressing on your attention. If the access and residence at the mysterious capital of this Great Empire be worth the effort just made by the Nations of the West, surely the liberality of Congress will not be withheld in the proper equipment of the first mission of the United States.

I

I have the honour to be

Sir,

Your obedient Servant

William B. Reed.

Duplicate / Mr Reed's

Legation of the United States,
Shanghai, Oct 12. 1858

To the Honble Lewis Cass
Secretary of State
Washington

Sir,

I have the honor to advise you that I have drawn on Messrs. Baring Brothers & Co. under date of 30th ult. my bill for £619.12.7. being amount of my salary due for the Quarter ending that day, at the rate fixed by the State Department of $4.84 per pound sterling.

The rate of exchange at that date was Five Shillings Three pence (5/3) per dollar, as per annexed certificate, making the salary equivalent to $2360.49. For the loss by exchange, which amounts to $639.51. I have drawn on the Department at Thirty days' sight in favor of Messrs Russell & Co dated September 30th 1858 my bill for Nine Hundred & Thirteen 51/100 Dolls. (which includes the loss by exchange on Washington, now at Thirty per cent (30%) discount to which please give due honor

I have the honor to be,
Sir,
Your Obedient Servant,
William B. Reed.
Envoy Extraordinary & Minister
Plenipotentiary U. S. A. to China

Rec'd 11. Jan. Mr Dennis

Legation of the United States

Officials No. Shanghai. October. 21st 1858.

33.

Sir,

Availing myself of the leisure afforded by the delay of the Imperial Commissioners to come to Shanghai, I sailed on the 16th ulto. for Japan, and, after a visit of rather more than a fortnight, to Nagasaki, returned to this city on the 9th inst. The French Plenipotentiary sailed for Yedo on the 6th of September, but no intelligence has yet been received from him. He will no doubt on his return bring despatches from our Consul General. We learned in Japan that the Emperor died at Yedo on the 16th of September.

My visit to Nagasaki was full of interest. The transition, there at least, from a policy or habit of exclusion, to one of free and friendly intercourse seemed easy and natural, and my relations to the people and the local authorities, were in every way agreeable. I have also to acknowledge the

Courtesy

To The Honourable

Lewis Cass

Secretary of State.

courtesy and friendliness of Mr. Donker Curtius, the — —
Plenipotentiary of His Majesty the King of the Netherlands,
and his staff at Dezima.

Whatever may be the commercial advantage
of opening such a port as Nagasaki, there is no question
as to the political importance of the position - as a place of
most convenient resort and observation.

On my return ~~here~~ I found the — —
Imperial Commissioners, the same high officials with
whom I conducted the negociations at Tientsin and the
Governor General of these Provinces, had arrived a few days
previously. Lord Elgin was and is here, and had —
initiated a mode of discussion of the new Tariff which
was quite satisfactory to me, and with which therefore I
have abstained from interfering - The Commissioners -
whether spontaneously or not I am not prepared to say,
have issued a Proclamation announcing the Treaties,
a copy of which I inclose (Exhibit 1.) - Lord Elgin
informs me in conversation that they have also agreed to
memorialize the Throne to dismiss Kwang, the Governor
General at Canton - My correspondence to this date, with
the Commissioners I now inclose (Exhibits 2, 3, 4, 5,) still
reserving all communication on the subject of the Tariff
in detail till some result shall be attained - I hope

this

this will be before the departure of the next mail.. This being completed, it is my intention to avail myself of the President's permission to return home by the way of Europe, where I hope to be in January. I shall sail in the Minnesota from HongKong about the 1st of December—

Appended to this despatch will be found copies of a series of very interesting papers given to me last week by Lord Elgin. They were found in one of the Yamuns in Canton in January, but have never been shown to me till now - when they are only interesting — but in this point of view very much so, as throwing light on the character of the officials of this strange country, and the secrets of its past and probably its present diplomacy. I beg to call your attention and that of the President to these papers - and also to the time when they are made known to me. Perhaps no stronger illustration could be given of the awkward and partial co-operation and semi-confidence of last summer than that such papers should have been in the hands of the allies and yet not have been communicated to me. They relate largely to American affairs, and on that account I should have seen them, but in other points of view they were — important - at least one might suppose the Allied Plenipotentiaries would have thought so - as enabling Inclosures 6. 7

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me, in the delicate complications which arose to regulate my conduct by full and accurate knowledge of the whole truth as known to them. When I recall the transient irritability exhibited once or twice last summer by their Excellencies the English and French Ministers at the pacific and conciliatory course — which I felt it my duty to pursue, I am still more at a loss to understand why these papers were withheld.

In one view of matters, I am sincerely rejoiced that the inadvertence or intention to which I refer, kept these papers from me. They are certainly the most painful revelations of the mendacity and — treacherous habits of the high officials of this Empire, yet given to the world. They cannot be read without contemptuous resentment, and I have no such confidence in my own equanimity and self control as to determine what might have been my inclination, before and after the fall of the Taku forts, had the — contents of these papers been known to me. Nothing of course that the Chinese authorities high or low, can ~~could~~ say or write could have materially influenced my course of action under or without instructions, but had these papers been known to me I am quite — confident the moderate confidence I had in their

professions

professions would have been lessened and my conciliatory tendencies not a little embarassed.- If it be, as I think it was, a mistake in the English and French Ministers concealing or omitting to communicate these things, it has not been without its good fruits, in allowing my own peaceful inclinations to have full scope. I do not at all regret what was done or omitted last Summer, but I deprecate any criticism on the course of the United States when either intentionally or inconsiderately information to which we were entitled, in the friendly cooperation to which we supposed we were invited, was withheld.

These papers are a series of Reports made by various Provincial officers of the attempts at negociation made by Mr McLane and Sir John Bowring in 1854, as well in this neighbourhood with the Vice Roy Yiang, (who in 1853 had met Mr Marshall,) as afterwards, when those gentlemen went to the Gulf of Pechili and attempted to visit Tientsin. What adds very much to the interest of these papers is, that they bear the autograph annotations in the Vermillion Pencil of the Emperor himself - and are accompanied with his decrees - all of which were regularly sent to Yeh at Canton to investigate his

Obstinate

obstinate repugnance to intercourse with foreigners. Some of these annotations and decrees are very curious, and will no doubt attract your attention.

In the memorial of Hu Nai-chau to the Throne dated 30. June 1854, he ventures to say that if the foreign ministers should happen to — propose any measure "positively beneficial to China," he might be disposed to grant it. This is — indignantly italicised with the Vermillion Pencil and for its utterance the writer was immediately degraded by the Emperor and his Successors — admonished in the decree of the 15th of July, (for there seems to have been great promptitude in these measures of repression,) that in case they had been duped into any concession beneficial to China they must at once repudiate it and not be misled by such absurdity! Such revelations are very striking.

Aside from these matters interesting generally to foreigners, there are many disclosures — especially so to us. There is one very illustrative of perverse ratiocination and at the same time of the danger of allowing stipulations supposed to be — immaterial entering into treaties or other compacts with them. In the Treaty of Wanghia there is a

provision

provision (Article 34) that "no individual State of the United States can appoint or send a minister to China to call in question the provisions of the treaty". This, tho' utterly insignificant in its application to the United States, was, I have understood, inserted to gratify some whim of Keying, the negociator of 1844. You will now observe in several parts of these papers that the Chinese put a very mischievous interpretation on this unmeaning clause as preventing any alteration in the Treaty itself. I am very glad I struck the clause out of the Treaty of Tientsin, tho' at the time I was not aware of this misinterpretation. Unmeaning words are always troublesome.

I regret to say that I see nothing in these papers to countenance the belief that the Chinese take any very clear distinction between the United States and other nations, and the tone adopted in reference to Mr. McLane may be regarded as especially offensive, when it is remembered that it was through his agency the duty question at Shanghai was settled and a large amount of money paid into the local Imperial treasury by American merchants while not one dollar to this day has ever been paid by other nations.

the

The revelation generally is a very sad one. It unsettles confidence in the future. No one holding — intercourse with these public men can have the least reliance on his words & acts being described with anything approaching to truthfulness. In one sense it seems the Empero Knows and directs everything – In another he knows nothing. Spies at Canton report to him Sir John Bowring's alarm and perturbation lest a Russian fleet should take Hongkong, and then the actual reality of the war is discredited because in the language of one of these Papers the English officials were at the time "jaunting it about China."

It is in this connexion that I am free to say these Papers have made an impression on my mind differing widely from those expressed in some of my — previous despatches.

The doubts heretofore expressed as to a permanent Diplomatic residence at Peking fade away in the very unpleasant light shed by these intercepted — documents. There is, I am now convinced, no other security for any thing like honest counsel reaching the Imperial mind. No Western diplomatic involvements (of which I confess I have a great dread) can so refract truth as always will the pernicious atmosphere which now surrounds

the

the Court - and I slowly, and almost reluctantly yield to the conviction that if American interests in China are worth protecting, it can only be done by direct representation at the capital.

One other impression is very distinctly made by these papers. They in a great measure justify the coercive policy pursued by the Allies in the North - I do not think that Lord Elgin could have acted differently, on the assumption which such disclosures as these seem — almost to authorise, that the rules of public law — applicable to nations civilized and Christianized cannot be made to apply here. I should have said and thought this earlier had the confidence of the belligerent Plenipotentiaries been less restricted and the whole truth told to us.

So soon as the Tariff conferences are concluded I shall communicate the results fully to you.

I have the honour to be
Sir,
Your most obedient Servant
William B. Reed

Dispatch 33. Inc. 1.
Oct. 21. 1858

Proclamation of the Imperial Commissioners.

Kweiliang, chief Secretary of State, Superintendent of the Board of Punishments, &c &c

Hwashana, President of the Board of Civil Office, &c.

Mingshen, a high officer of the second grade belonging to the Household; and

Twan, a titular President and Member of the Privy Council, hereby issue their plain proclamation.

Whereas China and the three countries of England, America, and France, having, when we were at Tientsin, negotiated and established the terms of an enduring peace, it is our duty, lest the fact should not be generally known to the gentry, merchants and people, to issue a notification thereof.

Let it therefore be known to them and others at the ports, that China and these nations are now on the most friendly terms of enduring peace, and it is our earnest desire that all may enjoy pleasure and advantage therefrom. Let there be no disobedience on your part.

A proclamation for general information.

October 9th. 1858

Disp. 33. Enc. 2
Oct 21. 1858

Kweiliang, chief Secretary of State, &c.,

Kwashana, President of the Board of Civil Office, &c

Ho Kwei-tsing, Governor-general of the Two Kiang, &c.

Mingshen, an officer of the second rank in the Household, &

Twan, a titular member of the General Council, &c.

herewith communicate on business.

We have today been personally informed by Sieh, acting intendant of the Su-Sung-Tai circuit and provincial judge, that he yesterday received a dispatch from the American consul Smith, informing him that your Excellency had returned to Shanghai on the 10th inst. We, having received His Majesty's orders to consult upon and settle the details of the tariff, reached this city on the 15th inst. We designated Wang and Sieh, the provincial treasurer and judge, as our deputies to meet W. Oliphant and his colleagues on the part of the English. They have met from time to time, and report that they have deliberated on all the chief points, and we now accordingly request H.E. immediately to appoint suitable persons to meet Wang and Sieh to discuss these affairs. When they have respectively reported upon their progress, we can decide upon the subject and bring the whole to a conclusion.

To H. Excy William B. Reed, U. S. Minister &c &c

Shanghai, Oct. 16. 1858

Dispatch 33. Inc 3.
Oct. 21. 1858

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, makes this respectful communication to their Excellencies.

Having already announced to them his arrival at Shanghai, he will have great pleasure in receiving them either at his temporary residence here or on board the United States' steam frigate "Minnesota" now at anchor near Wusung on any day and hour agreeable to their Excellencies. He desires to renew with their Excellencies those assurances of friendship and goodwill which were interchanged at Tientsin, and which matured in a treaty of amity and peace which will, he hopes, long maintain the friendly relations now existing. The Undersigned has also to acknowledge the receipt of their Excellencies' communication of the 16th inst. on business, and will shortly have the honor to answer it.

The Undersigned presents to their Excellencies the assurance of his most distinguished consideration

Legation of the United States,
Shanghai, Oct. 18th 1858

W. B. Reed

Disp. 33. Enc 4.
Oct 21. 1858

Kweiliang, Hwashana, Ho Kwei-ting, Chingshen, and Tsan &c. &c. herewith send a reply.

We have the honor to acknowledge your Excellency's dispatch of the 18th inst. in which you remark as follows:—

"He desires to renew with their Excellencies those "assurances of friendship and goodwill which were "interchanged at Tientsin, and which matured in a "treaty of amity and peace which will, he hopes, long "maintain the friendly relations now existing. He will "have great pleasure in receiving them at his tem- "porary residence here, on any day and hour agree- "able to their Excellencies." &c, &c.

From this we clearly perceive Y. E. feelings of cordial goodwill, at which we are much pleased; and while we shall have much pleasure in meeting as proposed, we beg a delay before appointing the time to go to your residence, and will send you a special communication upon the subject. For this purpose we now reply.

To His Excellency Wm B. Reed,

Envoy Extraordinary and Minister Plenipotentiary

&c &c &c

October 19th 1858.

Dispatch 33. Inc 5
Oct. 21. 1858

Legation of the United States.
Shanghai. Oct. 21. 1858

The Undersigned, (with titles) in answer to Your Excellencies' communication of the 16th inst. requesting him to appoint some one to confer with the representatives of Y. E. and Lord Elgin on the subject of the Tariff, begs to say that at this moment he does not think it expedient to do so, the consultation on the matter, being as he understands, nearly completed.

The Undersigned is happy to learn from a communication of the 19th inst. that he shall soon have the pleasure of receiving a visit from Your Excellencies.

W. B. Reed

To Kweiliang,
Hoashana,
Ho Kwei-ting,
Mingshen, and
Twan, Imperial Commissioners.

&c &c &c

Disp. 33. Inc. 6
Oct 21. 1858

Memorials and Rescripts pertaining to the efforts of the British and American Plenipotentiaries to obtain a revision of Treaties, obtained in the office of Yeh at the capture of Canton in December 1857

April 10th 1858

H.M.S. Furious – Shanghai

Memo.

1. The papers of which the following are translations are part of the correspondence between the Empero and his ministers concerned, upon the attempt made, in 1854, by Sir John Bowring and the United States Commissioner, Mr McLane, to extend our trade and place our relations with China on a more satisfactory footing.

These documents were inclosed to Yeh, then Imperial Commissioner, for his information, accompanied by Decrees for the guidance of himself and others. They may be divided into two Sections, the first embracing the period before the expedition of the foreign ministers to the Peiho, and the second, that after their arrival at the mouth of that River.

In order to a just estimate of the immovableness either proper to, or assumed by, the Court of Peking under circumstances which we have been elsewhere led to suppose occasioned it considerable embarrassment, we should recal the apparently desperate condition of things within the empire at the time the foreign ministers were in some sort menacing her from without, not only as in evidence at places distant from the capital, but as admitted and proclaimed by the government gazette.

Independently

Independently of the almost chronic disorders afflicting the far-west provinces of China, the rebellion specially known as that of Tai-ping Wang, had in 1852 swept all before it from Kwang Si through Hu Nan and Hu Peh, to the Yang-tsz Kiang, and down that stream, through every jurisdiction traversed by it to Chin-Kiang, the point of its intersection by the Grand Canal. From this, as a centre, a powerful detachment had made a rapid and successful movement North in the summer of 1853, maintaining itself within 80 miles of Peking, on the borders of Tien-tsin Fu, until the Spring of 1854; and although then compelled to retire slowly upon Shan Tung, reinforced there by a large body of insurgents from the South. Rebellion was meanwhile closing round Canton, Kiang Si was disturbed especially towards the north; and in Kiang Su the authorities, with difficulty holding their own before Chin-Kiang and Nanking, had in their rear a separate and serious cause of alarm, in the occupation of Shanghai by a gang of Canton and Fuh-Kien men, declaring for the Tai-ping party, and countenanced, if not supported by foreigners, who, most incompatibly, according to Imperialist notions, with their strong professions of neutrality, had more than once placed themselves in communication with the insurgent garrisons of Nanking and Chin Kiang. The Provincial government could not but charge to the

same

same account the constant misunderstandings on the subject of duties at Shanghai resulting in non-payment of any for a considerable period of time and the frequent collision of foreigners with the troops investing Shanghai, one of which had terminated in the seizure of a marine and the expulsion of the land force from its encampments.

This last affair had cost the Governor Hü Kái-chán and Intendant Wu, otherwise Samqua, who was also Superintendent of Customs, their buttons of rank.

With the exception of the recovery of Amoy from a local gang, of much the same claims to political status as the Shanghai rebels, and the very deliberate retreat, which the Gazettes represented as a flight, of the Tai-ping northern corps from Chih Li into Shan Tung, every recent week, every announcement from its officers, whether conducting war, or collecting revenue, should have added according to our valuation of causes, to a conviction on the part of Government, that things were getting worse instead of better. Yet the correspondence now translated, which is, much of it, marked confidential, none of it published, none of it consequently designed to aid in keeping up appearances before the public, betrays, on the whole, far less of fear than of a sense of annoyance at the intrusive impertinence of the barbarian. — He is mischievous and mechant rather than dangerous, and the utmost he may declare himself about to attempt, is

never

never assumed by the Empire to be beyond restraint by menace or remonstrance. The mere suggestion of conciliating him is reprobated as undignified and ~~with~~ concession, even in the forms of intercourse, is strictly prohibited. And this, although the authorities memorialising the Throne, however much they may have otherwise modified the offence of failing to keep the barbarian more in hand, had certainly reported various of his acts of which, were could it have heard the pars altera, the Court of Peking would have found it difficult to accept his justification and which as it stood advised, it could scarcely regard otherwise than as indicating an intention to make the most of the domestic troubles of the Empire.

The conduct of the Chinese on this occasion may be somewhat explained by the observation that, although more or less bewildered by their uncertainty as to our particular object, they had faith in our adherence to the policy they lay to our charge, namely, of abandoning the chase as soon as we perceive that satisfaction of our demands is not to be obtained from them by entreaty or intimidation.

2. The dramatis personæ here appearing on the Chinese side are

1st Liang, a Manchu, long Governor General of the provinces of Kiang Su, Ngan Hwui and Kiang Si, which together form the jurisdiction of the Liang Kiang, or Two

Kiang.

Kiang. He has but very lately retired and is now (april 1858) replaced by Ho Kwei-ting. The proper residence of this officer is Nanking, but rebellion has kept him for the last five years either at Soo-chow or Chang-chow.

2ndly Hü Nai-chau, Govenor of Kiang Su, a man of high literary repute. He has four brothers all of whom are equally distinguished. One of them Hü Nai-tse was degraded during the early discussions on the opium traffic for immorally recommending its legalisation. Hü Nai-chau had been, at the time of this correspondence, for some months before Shanghai, vainly endeavouring to retake it from the rebels. The gossips of the camp did not put his abilities as an official at all above the Emperor's estimate of them.

3rdly Kirhanga, a Manchu and connected with the Imperial family, who had come to Kiang Su in 1853, as an acting Intendant and in one twelve month had risen, principally on the ruins of Hü Nai-chau, to be Govenor of the Province. He was in immediate charge of military operations to the conduct of which he was very incompetent. An attack, made by the French under Admiral Laguerre, having frightened the rebel garrison into abandonment of Shanghai, Kirhanga gathered all the laurels of its recapture. He was sent as High Commissioner to command the force before Chin-Kiang and was there killed in 1853.

4th Wu Kien-chang, otherwise known as Samqua, an Ex-Hong merchant of Canton, and thoroughly

Cantonese

Cantonese in his ideas regarding foreign policy. The barbarian was a trading person to be kept within walls. Certain Canton and Fuh Kien men, well known members of an affiliated Society, compelled him to take them into his pay as a body guard and in a few days took the city of Shanghai in which he resided. He was at this time Intendant of the Circuit in which Shanghai stands and Superintendent of Customs. He contrived to make his superiors accept his statement that he was not within the city when it fell; the fact being that he had been for two days in the hands of his fellow Cantonese, who then connived at his escape into the foreign settlement. His rank which had cost him some £20,000 was eventually taken from him on the occasion of a collision between foreigners and the besieging force and on charges subsequently preferred against him of embezzlement and maladministration he was sentenced to severe punishment. His friends have brought him through and he is now again an expectant of the office of Intendant with the honorary rank of Commissioner of Finance. He is cunning but not able, either as a merchant or a Public Servant.

5th Law Wei-wan Samqua's acting successor as Intendant and as determined an anti-barbarian but a polished and à la Chinoise, a well educated Chinese; sagacious and capable. He has been recently degraded to 2nd no more for appropriating some £70,000 of Public receipts, on which he had hoped to retire into private life.

6th

4th. The Members of the Great Council, literally the Council of War, which is composed of the Secretaries of State, Presidents and Vice Presidents of Boards and other Metropolitan officials selected specially by the Empero, irrespectively of nationality, Manchu, Mongolian or Chinese. Its functions are the preparation and transmission or promulgation of the Emperor's decisions, and the advising of his Majesty in all important matters of peace or war. Except when ordered to act as assessors, the Members of the Council appear to exercise no judicial functions. Their relation to the head of the State must be regarded as more intimate than in the case of any other court, confidential instructions occasionally passing through their hands without being communicated even to the nui-Koh, a Cabinet, the chiefs of which, however, before spoken of as Secretaries of State, are, as has been observed, members of the Great Council. They have a separate hall of assembly, but according to the a certain number attend daily within the Forbidden Precincts of the Palace waiting to be called before the Empero. This may happen once in the day or more than once. A mat or cushion is placed for them to sit upon in the Imperial presence; I believe their exclusive privilege; and they either submit drafts of Decrees to be issued in the name of the Empero, or on occasion, receive his opinion in the Autograph Vermillion Pencil upon the face of documents already before him. In the case of extra-metropolitan correspondence at least the

original

original memorial appears always to be returned to the high officer from whom it came. It bears some notice in the Vermillion Pencil, for which some folds of blank paper are left at the close. When the copy is to be what we term a Decree, it is draughted and copied on a separate Sheet by the Council, and then apparently submitted to the Emperor. One such document (that written in 1856 regarding Dr. Parkes's renewed attempt to reopen the Revision of Treaty question) shewed an erasure of one character by the Vermillion Pencil and a substitution for it of another signifying "confidential". This is transmitted with the original memorial returned in a cover bearing the seal of the Council, some of whose names appear in the note advising the officer addressed of their instruction to write to him.

Thomas Wade

Chinese Secretary

Supplemental Memorial of Hü Nai-chau
dated about the 30th June 1854.

[Translation] Farther, Since the seven blows (lit. [illegible] extermination) inflicted on them by the troops on the 5th moon (23rd June 1854) now seven days ago, the Shanghai rebels have lain perdu.

The bravest and most fighting rebels they have in the city, it appears, are from Chaü-chau.(1) Next are those from the Department of Kwang-chau (Canton) and the men of Fuh Kien.

The squatters from the districts of Chuen-sha and Nan-hwui include also(2) people from Tung-an in Fuh-Kien (the district adjoining Amoy) and from Ting-yang in Cheh Kiang, who have left their homes for the seaboard flats of Chuen-sha and Nan-hwui. On these they had been used to support themselves by growing the shán-yü (a kind of potato) but last year when search was being made for the residue of the rebel gang already suppressed in that district, the inhabitants, erroneously conceiving that some were concealed in the huts of these people, set fire to them, and a thousand and more, thus left without a place of safety, went into Shanghai [prepared] to hold it for the rebels to the death.

Orders

(1) The Eastern Department of Kwang Tung

(2) That is besides natives of those districts

Orders have been given to Sieh King, formerly acting magistrate of King-Ke, to proceed to Chuen-sha and Nan-hwui, and in concert with the Subprefect and magistrate to convene the upright and respectable gentry and literates of the place in question and invite them to inform themselves thoroughly of the [former] positions of these squatters, and at the same time to notify to them that they will be permitted to tender their allegiance, and return to their original districts to be good subjects for evermore. The squatters, hearing of this, have been breaking up and coming out daily, and the men of Fuh-kien, Kwang Tung and Amoy as well, having heard the same report, continue to surrender themselves. There are chambers (committees) of [loyal persons representing] each of these provinces, the heads of which faithfully respond [for such as do come out] distinguishing which are to be sent away and which detained [for service].

Such matters properly belong to the supplementary arrangements consequent upon the recapture of the city, when it shall be taken, but seeing that were the rebels not to disperse until after the assault, the number who would resist would be great; and the killed and wounded necessarily numerous in proportion, it is desirable that they should disperse before the assault. As there would in that case be fewer resisting, the number killed and wounded would also be small. It has been

observed

observed that on every occasion for some time past that an attack has been made with the firm determination of taking the city, its capture has been prevented by a sudden storm of rain, and it is possibly the purpose of providence that the rebels should not resist our imposing force in great numbers, as the result would be the destruction of a large number of the innocent.

[The Empress interlines in the Vermillion Pencil "was there ever such[3] cant"]

Being at present without the means of defraying their expenses home [Your Steward] does not venture to call on them to come out en masse. All he can do is to let them break up by degrees and so weaken the strength [of the garrison].

As regards the secret attack on the city, advantage will be taken of these dark moonless nights, to observe at what point the besieged are most off their guard, and the mines will be pushed forward under the wall with all speed. A general attack will then be made on different points and success it is hoped, will be absolutely certain.

N.B. To come to another matter, towards the end of the 5th moon, the English barbarians were very eager

for

(3) Lit. "what false humbugging notion equals this?" The word which qualifies the notion is one used especially of priests stories told to quell the multitudes or the like; but there is almost as much stupidity implied by it as intention to deceive.

to drive away the Shanghai rebels; whither the troops were not to ask. Their object was not comprehensible at the time. It has since been discovered that according to the statement[4] of persons in the barbarian office on the Yang King Pang (the foreign factories or consulates) their chief, [Sir John Bowring] had been informed of an attempt about to be made by the Soldiers of Russia upon Ningkong, the garrison of which place hardly amounted to a thousand men; a force insufficient, even with the assistance of the five ships brought by the [British] Admiral, for its defence against the Russian troops and that he wanted to complete his strength with the rebels and to shew a better front[5]. As Kishanga and the other officers did observe at the time that this chief appeared perturbed and excited, it would seem that the report was not altogether without foundation. The other day the English chief said himself that the Steamer had brought news of a victory in Turkey and the capture of two Russian vessels; and he seemed to be at his ease.

Since Wu Kien chang's[6] return to Shanghai from Kwan Shan he has been, day after day, demanding

of

(4) Or, spies have since ascertained.

(5) Lit: Strengthen the dignity of his army, or, add to the awe that it should inspire.

(6) Wu Kien chang is Sungua

of the English and American Chiefs the duties received by them for him from the 8th moon of last year to the 5th of the present (Septr 1853 to July 1854). They say that they will be all forthcoming, but that Shanghai must be retaken before they can be paid in.

(7) These chiefs also ask, "As it will be so much to the advantage of China to get rid of the rebels, and to have the duties as well, why does your government persist in requiring the surrender of the criminals who killed officials? Will it not delay the issue [you desire?]". They propose to insist on sending away in safety the whole of the leaders, great and small.

A communication came yesterday from the English Chief(8) proposing a conference on business at the barbarian office on the 9th of the moon, and Your Servant has written to agree to this. Not that, capricious and inconsistent as

[he knows]

(7) This is an allusion to certain communications upon the possibility of getting rid of the rebels through our means. The great Imperialist difficulty was the pardon, or connivance at the escape of two rebels who were concerned in the murder of the late magistrate of Shanghai. The rebels, on their part were much too confident at this time, to listen to offers of mediation.

(8) Sir John Bowring was still at Shanghai, and did receive Hü Kai-chaw, at the consulate.

[he knows] these barbarians to be, he is going to exceed in concession; but it is his duty, in every case, to weigh well the advantage and disadvantage of this or that order of proceeding, and should there be any measure positively beneficial to China, and at the same time practicable without violation of the law, he would assuredly not presume to abide in the smallest degree by standing prejudices.(9)

The red-side junks from Kwang Tung are reported to have arrived at Woosung, and will of course be desired to hasten on to Chin-kiang. The expenses of these vessels Yeh, Governor General of the Two Kwang, writes to promise, shall be defrayed monthly from Kwang Tung.

Knowing the anxiety bestowed by Your Majesty [on the matters herein detailed] Your Servant as in duty bound presents a supplementary Memorial thereupon.

A respectful Memorial.

Translated by

Thomas Wade

Chinese Secretary

(9) He would feel it his duty not to hesitate about taking a line of his own; lit: he would not dare in the least degree to retain the ready made view, the idea fixe not his own but that of China in respect of concession to the barbarian. The Emperor was by no means pleased by this deprecatory passage. The whole of the text italicised in the translation is scored with the Vermillion Pencil, and the conduct of Hü-Nai-chaou as will be presently seen in another paper was severely criticised by His Majesty.

Translation of the Imperial Decree commenting on Hü Nai-chau's timidity in dealing with the barbarians; on the intercourse of the latter with the rebels, and their unauthorised appearance in the interior. Yeh is to lecture them.

[Translation]

Letter from the Members of the Great Council to Yeh Imperial Commissioner and Governor General of the Two Kwang.

On the 13th of the 6th moon of the 4th Year of Hien Fung (7th July 1854) we had the honor to receive the following Imperial Decree.

"Liang and his colleagues had been representing to us that the American barbarians wanted (or were about) to sail up the Yang-tsz-Kiang to have an interview with the Governor-General, and according to a subsequent representation made by Kishen, the vessels of these barbarians did pass by way of Chin-Kiang, anchored off Pu-kau, and subsequently off Kwá-chau, where they entered into close relations[1] with the rebels.

"The English barbarians, meanwhile, were offering every kind of hindrance at Shanghai [to the siege operations] their malice going even greater lengths [than that of the Americans]. Our troops were in pursuit of the enemy, when,

for

(1) Lit. went and came and made a league or confederated with them

for no particular reason, they had the audacity to fire on a Chán-chau militia-man, whom they wounded. Notwithstanding this, [though they were the aggressors] they presented themselves at the head-quarters [of the force] and demanded the surrender of the man who had returned the shot. They had farther proposed to carry the Shanghai rebels elsewhere, or if this were not acceded to, to proceed to Tien-tsin. Hü Nai-chau asked where they were going to take the rebels, and expressed his fears that they would create farther disorder in some other province. He told them also that the two rebels guilty of the murder of officials[2] must be surrendered to him. The barbarians would not consent to this; so far from it they sent a person to dictate a despatch, which he was to write, so worded as to make it appear that [on the occasion above named] the first fire had been delivered by his troops, for whose offence he was to apologise[3]; if he did not write in these terms, it was added, the camps should be attacked the following day. Most overbearing violence! The governor in question

apprehending

(2) See Paper I. Note 7.

(3) The militia man in question did take a shot at one of the marines who was under arms for the protection of the foreign settlement during one of the many wretched fights between the Shanghai rebels and the besieging force. Admiral Sterling happened to be on the ground, and insisted on apology being made.

apprehending that they [the English] were seeking a quarrel, and that trouble would come of it; did write in the terms prescribed, therein doing nothing short of providing a weapon against himself (4).

"For his cowardice and incompetence we have taken his insignia of rank from Hü Nai-cháu, but the affairs of Shanghai [rebel and foreign] are still unsettled; this mismanagement of them is truly deplorable.

"As regards [access to] the sea-ports of China, barbarians have never been authorised to visit any but the five open to trade. Of late, however, their vessels, in wanton defiance of law, have been proceeding, some to Chen-Kiang and some to Nanking, where they have been visiting the rebels: a manifest infraction of the treaty. With relations of peace and commerce between them and China, why do the barbarians hold intercourse with the rebels? It is certainly not in the spirit of friendly relations [so to do]. Then again, there is war upon the river. If [barbarians navigating it] were to be accidentally wounded by gun or musket, our troops could not be held answerable. Let Yeh Ming-chin set before the barbarian Chiefs, Bowring and Sterling, in peremptory language and plain terms, the risk [so incurred]. He will surely be able to stay their malice before it can

develope

(4) Lit: presenting people the handle [of an offensive weapon]

itself(5). It was but on the 16th of the 3rd moon (14th April) that Bowring arrived in Kiang Tung. Yet on the 25th (15th?) of the 4th moon he comes up to Shanghai with a ship of war, and on the 23rd detaches the barbarian chief Medhurst with a steamer to Chin-Kiang. How comes it, if they really have a war with Russia(6), that [the English] can be jaunting it about China (or, in the interior)? Every thing shews that they are concealing a dangerous purpose (lit: a heart of woe, or danger).

Yeh Ming-chen has special charge of barbarian business. Let him enjoin [the English chief] to keep the treaty, and desire him to signify to the barbarians at Shanghai, that they are not to travel about as seems to them good; and let him (Yeh) declare authoritatively that at every port along the shores of the River [Yang-tsz'] there is a large force, and that if they are not amenable to [their chiefs] control, and that life is taken by the act of our troops, the calamity thus brought upon themselves, is not to be laid to our charge. This will make them aware that we do not regard the beginning of strife (the first blow) with alarm,

and

(5) Lit: block the way of their malice in its budding.

(6) Lit: a difficulty. The declaration of war reached Shanghai by Sir James Stirling in June 1854. Mr. Medhurst was sent to Nanking in the same month.

and they will no longer venture on these demonstrations of daily increasing ferocity(7). The Governor General We should imagine, will surely be enabled, by careful attention, so to lay his plans as to nip the danger in the bud.

"Let him at the same time lay his commands, with equal earnestness, upon the American and French barbarians. Let him also, from time to time report to us whether there be any authentic intelligence of recent proceedings on the part of the Russians.

"Let copies of Hü Nai-chaú's memorial and his two communications [with the barbarians] be furnished [to Yeh] for his information, and let this decree be hurried forward to him at the rate of 600 lí a day, with commands to him to attend to it. Respect this!"

In obedience to His Majesty's will this letter is sent.

Translated by

Thomas Wade

Chinese Secretary.

(7). They will not then venture with daily increasing extravagance

Note. Hawk-like to spread [their wings]

Note. It is remarkable that the docket of the above Decree, which was issued in July 1854, records its receipt on the 21st Dec. 1855). There is nothing to account for this. The words translated "hurried forward" are those of the form by which the greatest speed attainable by the Courier office is meant to be insisted on. T.W.

The communication touching treatment of foreign Ministers from the Govt. of China contained in the decree of Aug 54 proves that the superciliious bearing of the Chinese Imperial Govt. spoken of was deliberate and performed under instructions Therefore it should become the duty of our Govt. to insist on free and equal intercourse and to enforce it hereafter

Memorial of Iliang, Governor General of the Two Kiang, reporting the visit of Mr. McLane, U.S. commissioner, and his success in dissuading Mr. McLane from proceeding to the Peiho; dating about the 24th June 1834.

Translation.

Your slave, Iliang, Governor General of the Two Kiang, upon his knees addresses the Throne.

The course pursued by him [in his reception of] the American chief, who had come to Kwanshán to pay his respects to him, he respectfully details in a confidential memorial, wherein, looking upwards, he prays for the Sacred Glance.

He has already had the honor, as it is recorded, to submit to the Sacred Glance, a memorial shewing that a report had been sent up by Wu-Kien-chang, Intendant of the Su-Sing-Tai circuit to the effect that the barbarian chief, McLane of the United States of America, otherwise the American,(1) had come with two war-steamers to Shanghai, and after humbly(2) begging for an interview and tendering a communication, had gone up to Ning-po (Nankíng?) and Chin-Kiang to look about him; and that your slave had thereon written to the proper authorities to be on their guard.

The

(1). Mi-le-Kin, the Canton pronunciation of American.

(2) As a person petitioning.

The Magistrates of the Districts of Tan-tu, Shang-yuen, Luh-hoh, Kiang-pu and Tang-tu, have since reported that the above mentioned barbarian vessels had visited Kiang-ning (Nanking) Ho-chau, and Wu-hu. They anchored on their way back at Tsiau Shau, and a communication was forwarded to Your Slave through the hands of the marine Stationed off Chin-Kiang, requesting him to meet [the writer] there.

Your Slave replied that the Long River (ie. the Yang-tz') not being open to foreign trade, barbarian vessels had no right to stay there; if the Chief desired to present a letter from his government in person, he should follow the precedent [furnished] last year by the case of Marshall; hasten back to Shanghai, and there wait till Wu Kien-chang should bring him to Kwan-chau to introduce him.

In obedient accordance with the above reply, the chief did presently turn back, and having transferred himself to a native vessel, was brought on the 25th of the 5th moon (20th June) to Kwan-shau by Wu Kien-chang, accompanied by his subordinates Law Wei-wan, Prefect of Sung-Kiang Fu and Sub-Prefect of Maritime Defences.

Your Slave, having with him Pinghau, the acting Prefect of Su-chau Fu, long employed in that Department and thoroughly versed in business, had started from Su-chau on the 24th and also arriving at Kwan-shau on the 25th on the following day assembled the officials

present-

present in the public hall of Kwan-shaw and Summoned[3] the Chief to come forward and pay his respects. The chief's manner, it must be admitted,[4] was reverential. "Thanks to the favor" he said, "of his Celestial Majesty, by which the five ports are open to trade, we[5] have been enabled to steep ourselves in advantage. Of late years, however the river communications have become impassable[6], and the losses hence sustained by the merchants have determined us to request that His Majesty be entreated graciously to permit us to trade along the Yang-tsz' Kiang. The merchandize we bring up the river we will ourselves escort and protect. If [Your Excellency] will not do me the honor to make a representation for me to this effect to the Throne, I shall be obliged to proceed to Tien-tsin"

Yeu Have told him authoritatively[7] that the treaty

under

(3) Called him up, as he would a party in a civil action, or a witness in any.

(4) Lit:. The chief in his adherence to forms, or in the forms he adhered to, was notwithstanding reverential; that is notwithstanding the tone of his letters and his proceedings earlier noticed. We should say "was, I must say, respectful enough".

(5) There is nothing in the text to represent the pronoun - I assume him to speak for his nation.

(6) Owing to the rebellion.

(7). Told him as his official superior; commanded him, saying &c.

under which the five ports were open to trade being that to which the Imperial assent, as made known by Decree, had been received with reverence in the 24th Year of Tâu Kwang (1844) it had become the duty of all alike, native and foreigner, officials and people to observe it obediently [from that time forth] for evermore. It was besides clearly laid down in the treaty[8] that "no state shall hereafter send a minister to China to raise separate (or fresh) discussions". The request now preferred, being at variance with the original treaty, could not well be conveyed to Your Majesty. As to Tientsin, the Canton rebels had worked (had wormed, or, burrowed) their way across the Chih Li frontier; the people of the place, become as a wall by the unanimity of their resolution, and fighting boldly on the side of government[9] had disciplined above 100.000 men: the rebels had several times attempted to reconnoitre [their positions] but had never carried their point. Were the barbarians

(8). He quotes Art. xxxiv and last of the American Treaty. I have translated the words, as I believe Hiang meant the Emperor to understand them. In the original they represent the following English: "and no individual State of the United States can appoint or send a Minister to China to call in question the provisions of the same". It suits Hiang to ignore the words italicised.

(9) Lit: were hating as their authorities hated and were courageous in fight. The population of the Department rendered government important assistance by checking the advance of the rebels upon Peking in the winter of 1853-4. They never got beyond its Western boundary.

barbarians so ill-advised as to take their vessels thither, and the people, as might be apprehended, to be filled with misgiving, and to do them, as was possible, a mischief, it would not concern the [Chinese] government. The Governor General of Chih-Li having no cognisance of barbarian affairs, would probably not grant the chief an interview, so that if he went to Tien-tsin, he would still gain nothing by it. Several compleat victories had been obtained over the rebels in the north; all those defeated and hiding north of the [yellow] River, had been exterminated. There could hardly fail to be peace presently; the water communications thereby re-opened, trade would be sure to revive, and there would then be no need for discussing alterations and extensions.

The chief replied that he too was aware that the war in China was not over, and that this was the reason why he did not presume to give Your Sacred Majesty cause of anxiety by proceeding direct to Tien-tsin; but it had been inserted in the treaty that a revision of this should be allowed after a lapse of twelve years: the expiry of which term was now not far distant. Several things were not as they should be. At Shanghai, for instance the custom house had been transferred to Wu-sung and [its business was conducted under] other than the old regulations(10). As plenipotentiary minister he had full powers to do what might seem to him good;

if

if the authorities of the Kiang provinces (Kiang te) were not competent in matters affecting the old treaty, he had to request that application be made to Your Majesty to send hither a Minister of large powers with whom he might bring negotiations to a definite issue.

Your slave told him authoritatively, that with reference to the treaty clause[11] respecting "inconsiderable modifications that may be found requisite in those parts [of the Treaty] that relate to commerce and navigation" the twelve years ought first to expire and readjustment then be fairly and equitably considered; that in the words [representing] navigation,[12] passage

(10). Mr. McLane's Interpreter was a Canton Chinese of whose powers I have a poor opinion – He has, here, I suspect caused a confusion of two things. A provisional Custom-house had been opened on the 9th of February 1854, on the Wu-sung River, or as we call it, the Su-chau Creek. The detection of the Superintendent Hiu Kiew chang, otherwise Samqua, in the act of clearing a foreign vessel by private arrangement led to its suspension on the 21st of March. Samqua had on that very day opened two Custom houses inland and it was against this breach of a Treaty provision that Mr McLane was remonstrating.

(11) Art. XXXIX American Treaty.

(12) The Chinese is "circumstances of the sea" or "sea details."

passage up rivers or by land is in no way whatever included while by "inconsiderable modifications" nothing is meant but that in the case of the five ports, there should be, as occasion might require, a certain discussion of regulations it might be essential to adopt; not certainly, that any great alteration should take place. It had been further most clearly laid down in a special article[13], at the time that the treaty was made, that no vessel should enter any but the five ports under penalty of confiscation of both vessel and cargo. The new custom-house at Wu-Sung had been opened there, for the time, pending military operations at Shanghai, but was levying no extra duties whatever: and on the recapture of the city, which would be effected immediately, all the old [customs] arrangements would be restored. If foreign merchants had really any hardships to complain of, there was nothing to prevent a fair [statement of these] to the Superintendent of Maritime Customs, and a satisfactory understanding with him thereupon.

[As to the appointment of a Commissioner] in the administration of the Celestial Empire, the distance between the Sovereign and his Servants is too great to admit of such an officer as a Plenipotentiary —[14]

(14)

(13) Art. III American Treaty.

(14) The Imperial Commissioner [stationed] in Kwang Tung for the superintendence of foreign affairs (lit: the business of the different nations) being in effect a minister sent [thither] by Your Majesty, it would be importunity[15] to request any thing farther on this point.

The chief continuing to insist on what he had already ~~urged~~, Your slave set before him [the obligations of] good faith and justice; thrice and again he pointed out to him the right course to follow: from the third watch of the day till the seventh, ten hours and more. The chief debated no longer, but persisted in his entreaty, until, it being nearly sunset; he took his leave.

On the 27th he forwarded a duplicate of the letter of his government. It was much to the same effect as that presented by Marshall last year.— It contained nothing whatever regarding permission to trade up the Yang-tsz'-Kiang. He also handed in a communication in very obscure phraseology[16], characters in which had

been

(14) Lit: the ruler is exalted, the minister is humble, or low in rank: there is not at all a plenipotentiary minister.

(15) Lit: separately, or in distinct form to make an importunate request would not be correct.

(16) Tangled or Knotted, like a bunch of cords, tied at random together.

been taken to signify what they did not properly mean. On the whole, it differed nothing from the language he had employed, except in the addition that if, on representation made to the Throne, he should be honored by [Your Majesty's] assent to his requests, it would behoove him of course to assist China in completely removing her cause of disquiet(17); otherwise he should address his government and follow his own course, the government of China bearing the responsibility of its shortcoming in the discharge of obligations(18) recognised by itself, and he requested the abolition of the new custom house at Shanghai.

It is the very humble opinion of your slave, that inasmuch as the American barbarians, heretofore accounted so submissive, have taken advantage of the present conjuncture to press their demands, reliance is surely not to be placed on their cooperation though they promise it, in the restoration of order. The example set by these barbarians in the propositions they have brought forward, will but too probably be followed, and to a more serious extent, by the

English

(17) Lit: in planing or cutting smooth away the restless viz the rebels — I doubt that Mr. McLane offered to do more than mediate.

(18) Lit: the fault of not exhausting its own [moral] policy; which says a native assistant; dictates relations of courtesy & equality between the host and the stranger.

English and French barbarians. "The Long River is the bound prescribed by Heaven" to bring "a foreign race to dwell hard by" & to ensure calamity in the time to come.[19]

On the other hand, the English barbarians have been picking quarrels with the troops on several occasions of late. There is withal a story current that the Nanking rebels have worked their way to Jing-pa and are disturbing that neighbourhood, and men's ears and eyes are not to be stopped.[20] It might be bearing too hard on this chief (Mr. Lane) (or, it might drive him to extremity) if after having refused to make his requests the subject of a Memorial, [Your Slave] were also to decline transmitting them [to the Imperial Commissioner.] And were he to go straight up the Long River and there give full play to his malice, it might be found more difficult to hold him in than it would otherwise have been.

Having

(19) Both the passages marked by inverted commas are quotations from historical writings. The first has special reference to what is now the Kiang Nan country in the time of the Three States A.D. 150 and was used in argument against attempting invasion of a region provided with so impassable a barrier by nature. The second refers to events in Ho Nan about the time of Confucius

(20) Foreigners will hear this.

Having thrice and again reflected on his means, Your Slave saw no alternative but, in reverential obedience to the Decree issued by Your Majesty in the case of Marshall, last year, to command him (the chief) to return to Canton and there abide the decision of Yeh Ming-chin; thus gaining time which should be turned to account in keeping him within range; and further to instruct Wu Kiew-chang at once to make some satisfactory arrangement, calculated to be durable, regarding the collection of duties at Shanghai, and so leave the different barbarians without grievance to allege.

If the red side junks could be sent with all speed up the river, Chin-Kiang, Nan-King, Kwa-chau and Shanghai might be recovered within a given time. Commerce would, as a consequence, resume its way, and the barbarians would then have no place to plant their bill, (no ground of complaint.)

Your Slave, having sent an answer to [the chiefs] communication, and in person commanded Wu Kiew-chang to carry him back to Shanghai, and desire him to return to Canton, there to abide the decision of Yeh Ming-chin; and having forwarded copies of his correspondence and of the duplicate of the letter from his government to Yeh Ming-chin for his information, returned to Su-chau accompanied by Pinghan, on the 29th of the moon (23rd June 1842)

The

The details of his proceedings it is his duty to embody in a respectful Memorial; in order to a confidential representation of the truth. This, with copies of the duplicate of the letter of the American chief's government and the correspondence between him and Your Slave, he submits for Imperial perusal, prostrate entreating that Your Sacred Majesty will glance thereon and make known your commands.

A respectful Memorial.

Translated by

Thomas Wade

Chinese Secretary.

Translation of the Imperial Decree approving of Iliang's conduct as compared with that of Hü Nai-chau, any concessions made by whom to the barbarians are to be cancelled. Yeh alone is to deal with them.

[Translation]

Letter from the Members of the Great Council to Yeh, Imperial Commissioner and Governor General of the Two Kwang; to I (Iliang) Governor General of the Two Kiang, and to Kih (Kishanga) Governor of Kiang-Su.

On the 21st of the 6th moon of the 4th Year of Hien-Fung (15th July 1854) we had the honor to receive the following Imperial Decree.

"On learning how feebly Hü Nai-chau had conducted himself when the English chiefs were attempting to constrain him to act as seemed good to them, We issued a Decree transferring [the case] to Yeh with instructions to send orders to the barbarian chiefs in Kwang Tung enjoining them to observe the Treaty, and prohibit the barbarian merchants from proceeding into the interior.

"Iliang now reports that the American chief Robert McLane had paid his respects to him at Kwan-chau, and had presented a letter from his government and a communication from himself; that he tenaciously insisted

on

on

on a Revision[1] of the treaty in twelve years; wanted trade up the Yang-tsz' Kiang, alleging at the same time as matter of complaint that the Custom house had been removed from Shanghai to Wusung; and requesting that it might be abolished. His own communication contained requests that did not appear in the letter of his government; and his conduct was otherwise presumptuous.

Liang wrote him a reply [in itself] correct[1]. He did nothing it must be allowed, so undignified as Mü Nai-chan. It is to the Governor General of the Two ~~Kwang~~ Kwang, however, that the administration of all things pertaining to commercial intercourse with [foreign] nations has always belonged. Let Liang therefore, now that he has transmitted copies of the letter from the government of the barbarian chief and of his correspondence with him, to Yeh Ming-chin, desire him, (the chief) to set out at once from Kwan-shan for Kwang Tung, and not to indulge himself in long tarrying [wu Kiang Iu] lest he thereby hinder investigation and decision. It will be Yeh's duty to forestal his malice[2], holding fast by the treaty, and addressing him

(1) Or, modification, or, accommodation.

( ) In accordance with reason or right, the natural principle of things.

(2) See above Paper II. Note 5

authoritatively in peremptory language.

From a succession of memorials received from Hü Nai-chaü regarding the rebels and the English chief at Shanghai, the awkwardness and weakness[3] of his conduct becomes more and more apparent. He states that the chief had appointed a day for an interview with him and that "in any measure that might be of positive benefit to China, he will assuredly not presume in the least to abide by — standing prejudices"; that is to say, in fact, that he has been perfectly prepared long since to make concessions. We have already degraded this Governor, and We command Iliang and Kirhanga, in the event of his having been duped into any extravagant (or unlawful) engagement by the barbarians, to repudiate it utterly, in plain language, and not to be misled by their absurdity. Let them at the same time desire them to proceed to Kwang Jung and there abide the decision of Yeh Ming-chen.

Let Kirhanga continue to lead our troops to the assault and recover Shanghai without further delay. If the red side junks shall have one and all reached

Wusung,

(3) Weak enough to be gulled, and too weak to speak the truth

Wusung, let Kuhanga hurry them forward and communicate with Kishen and Hiang Yung( ) as to what disposition of them will be best. The expenses of the force for the protection of Hu Nan and the contingent brought up from its own jurisdiction by Tatsipu, to suppress the rebellion, are matter of great urgency. Loh Ping-chang (Governor of Hu Nan) represents that the treasury of Hu Nan is short of money and the country in a very forlorn condition, which is true and of the adjoining provinces there are only Sz' Chuen and the Kwang that may be said to a certain extent to have recovered themselves. Let Yeh Ming-chen without loss of time set apart several tens of of thousands of taels, taking them if matters not from what branch of the revenue [of his jurisdiction and despatch them by a sure hand. Let there be no delay in satisfying so important a requirement: Let copies of the memorial of Hiang, and the supplementary memorial of Hü Nai-chau be sent to him to read; and forward this at the rate of 600 li a day,

with

( ) Kishen is the mandarin whose name is well known to us in the last war as the negotiator of the first treaty with Captain Elliott.

Hiang Yung was a military man. With Commissioner of civil war. The campaign extended both there men, Kishen at Kwa-chau by the mouth of the canal and Hiang Yung before Nanking.

with orders to him to attend to it. Respect this!"

In obedience to His Majesty's Will this letter is sent.

Translated by

Thomas Wade

Chinese Secretary.

V.

Memorial of Hiang, Governor General of the Two Kiang, reporting the receipt of letters from Sir John Bowring: Mr McLane's announcement of his intention to accompany that officer to the Peiho; and his own doubts as to the object of this visit; if indeed the mention of it be more than a ruse: dated about the 20th August 1854

[Translation]

Your Slave Hiang upon his Knees presents a Memorial. He prays the Sacred Glance of Your Majesty upon his respectful representation of the course he is pursuing in the conduct of barbarian business:-

Upon the 6th of the 6th moon (1st July 1854) Your Slave had the honor to report his journey to Kwan-Shan to give audience to the American chief Robert McLane, and his refusal to grant the English chief Bowring the interview he had moved Wu Kien-chang to solicit for him; such a request not being in conformity with the treaty: as it is recorded.

Upon the 21st of the 6th moon (15th July) Wu Kien-chang reported that Alcock, Consul of the English barbarians, had forwarded a despatch from Bowring to the effect that he wanted an interview. The despatch he (Wu) transmitted. Your Slave found it to state that under the commission he held from his government he was competent to meet any

minister

ministers Your Majesty might do him the honor to appoint to confer with him on business of importance. He had made most friendly overtures to the Imperial Commissioner in Kwang Tung, who [so far from responding in the same spirit] had, on the contrary, shewn a want of due politeness in his reply.(1) There must now be an improvement in such relations (or, a greater liberality of treatment.) Should Your Majesty do him the honor to appoint a high officer to discuss matters of equal interest to the Chinese and the foreigner, it would — strengthen [the conditions of] peace and amity between them. The letter contained no request for an interview [with your slave.]

Your Slave wrote in reply, that the Imperial Commissioner for the administration of barbarian business in Kwang Tung, being in effect the minister [thereto] appointed by Your Majesty, it would not be correct to trouble [the Throne] with any — additional request on the subject. There was nothing, either, that called for discussion at the present moment between China and the outer nations. How the Imperial Commissioner might have behaved towards him it was not in [Your Slave's] power

(1) Or paid him back with discourtesy, ignored the treatment due by man to man.

power to say. But, to sum up, peace had endured a long time between China and the foreigner and the obligations most to be regarded, were those of good faith and justice. As to forms of politeness the propriety of greater or less intimacy in these was really matter of public[2] opinion [in China]. When the chief took others to task on the score of politeness, it was to be presumed he knew how to behave politely himself; and so would not be raising questions [which he had no right to raise.]

This letter had been despatched when Wu Kien-chang sent up a second letter from the American chief, Robert McLane, to the effect that as [Your Slave] had not done him the honor to submit to Your Majesty his application for the appointment of a high officer to confer with him on questions in which China had a common interest with the United States, he had resolved to accompany the English chief to Tien-tsin and [thence] communicate his wishes to Your Majesty. On the Shanghai duty question his consul had been deputed to deliberate with the Intendant of the Su-Sung-Tai circuit (Wu Kien-chang or Samqua); a satisfactory arrangement had been arrived at, and strict-

injunctions

(2) They did not depend on the idiosyncracy of Yeh.

injunctions laid on the merchants of his nation to abide henceforth obediently by the treaty.

Your slave wrote to him to desist. The superintendence of trade at the five ports had always belonged to the Imperial Commissioner at Kwang Tung. Your slave was not Imperial Commissioner, nor had the chief handed up to him the original of the letter from his government. It would not, therefore, have been correct for him to address the Throne on the subject: nor, consequently, in the course pursued by him, had any offence whatever been committed against the treaty. On every other matter he (Hiang) had given him the clearest instructions at their interview; the chief having [then] said that he did not[3] presume to go to Tien-tsin how could he be so inconsistent as just-twenty days later, to declare that he would accompany the English chief to Tien-tsin? Not only would [such a proceeding] be in non-accordance with what he had said before, but it was at variance, also, with the treaty. It became him more than ever now, that the duty question had been discussed and brought to a satisfactory conclusion,

and

(3) Or, would not presume. There is nothing in either passage to mark exactly the word.

and a complete fulfillment of the treaty inculcated on his mercantile community, to continue as he had begun, and to make manifest the lasting durability of the good understanding between us, to the advantage, more or less, of his nation. Let him not go to Tien-tsin, but, if there were questions absolutely requiring personal discussion, return to Canton and abide investigation and decision at the hands of the Imperial Commissioner. In the conduct of questions arising out of intercourse with foreign nations, the authorities of China rested entirely on the treaty. Things beyond the treaty they ignored, nor would they undertake the responsibility [attaching to them].

This was written and at the same time Wu Kien-chang was charged to point out to the chiefs authoritatively the advantage and disadvantage [of the two courses before him] and to ensure his taking the safe path. Farther measures are deferred until Wu Kien-chang shall have sent up his reply.

It is, however, a standing device of the barbarian to make particular circumstances the plea of demands to be insisted on. Whatever these chiefs may insinuate (a whisper) against Yeh Ming-chin, it is evident that Yeh Ming-chin is he whom they are used to fear. They say they are going to Tien-tsin. This

may

may be, notwithstanding, an assertion made to compel—— acquiescence in their demands. Your Slave has commanded them with affectionate earnestness to stay, and the ships of their chiefs have not as yet departed. Still there is no—— certainty, so inconsistent and capricious is the barbarian character, that they will not, after all, sail north, and thereby attempt to constrain the Imperial Commissioner and the high Provincial authorities of the coast-jurisdictions.

Your Slave has written express to Kweiliang Governor General of Chih Li, that his establishment may be desired to be on the alert, and with coolness and secresy to prepare for the defence [of the province] also to Yeh Ming-chin.

It is farther his duty to embody the details of his present proceedings in a respectful Memorial. He forwards it post-and prostrate implores the Sacred Glance of Your Majesty thereon.

A respectful Memorial.

Translated by
Thomas Wade
Chinese Secretary.

5

Imperial Decree issued on the receipt of the foregoing. Yeh is to prevent the barbarians from coming north, but he is to shew them no greater politeness than is warranted by precedent. Yeh appears to the Emperor misinformed about the war between England and Russia. His faith in it is not to throw him off his guard in dealing with -- England; dated about 6th August 1854

Translation -

Letter from the Members of the Great Council to Yeh, Governor General of the Two Kwang.

On the 15th of the 7th moon of the 4th Year of Hien Fung (6th August 1854) we had the honor to receive the following Imperial Decree.

"On learning some time since that the chiefs of the English and American barbarians had been -- applying for interviews with the high authorities of Kiang Su, and attempting to constrain them to act as they pleased, We sent orders to Yeh Ming-chen to command these chiefs to obey the treaty, that so he might be enabled to nip their mischievous [purpose] (1) in the bud.

"Kiang

(1) See above Papers note

"Liang now reports the receipt of a despatch from the English chief Bowring, complaining that when he was in Kwang Tung the Imperial Commissioner had met [his advances] with a want of politeness: also of a despatch from the American chief Robert McLane, to the effect that he had determined to accompany the English chiefs to Tien-tsin

"It is the nature of barbarians to be cunning and malicious. They perfectly understand that the entire administration of [foreign] trade centres in Kwang Tung, yet they rush (2) to the ports insisting on the satisfaction of demands made with unreasonable —— extravagance. We have commanded Liang to desire the chiefs to proceed to Kwang Tung, and there abide decision. Let Yeh Ming-chen in obedience to our former decree, devise means of guiding them in the way they should go and command them to continue steadily to observe the treaty. Let him on no account suffer them to be unlawfully (or, unreasonably, extravagantly,) playing the spy, on the ground that modifications [of the treaty are

to

(2) The particle is used when something happens that should not, and unexpectedly; "away they go" &c

to be adopted] in twelve years. Let him tell them also that in consequence of the arrangements now being carried out for its defence [against the rebels] a force is assembled at the port of Tien-tsin, as the clouds for number; that should the barbarians be so ill-advised as to come to it, injury may be done to their vessels [in which case, so far from deriving any benefit from their visit] they will on the contrary have brought calamity on themselves.

As to the forms to be observed by the Governor General (Yeh) in his reception of the barbarian chiefs, let him religiously adhere to the old rules; not because of the application of these barbarians to be treated somewhat more[3] liberally, (or handsomely) is he to make any concession no matter how small; lest it tend to dissipate their fears.[4]

"Yeh Ming-chen obtained information some time since that the Russian barbarians had declared war against the English barbarians and had carried off merchant ships from Hongkong; [which events] would make the latter barbarians look to themselves[5]. How

(3) See Shiangs report of Sir J. Bowring's letter.

(4) Lit: cause a relaxation of their heart of fear, of the fear in their hearts; a figure taken from a bowstring

(5) Lit. Equitous; and so, non-aggressive

How then is it that they are, on the contrary, making difficulties with China? The rumour [that reached Yeh's ears] was probably in great part untrue. The Governor General (Yeh) must be more than usually careful in his management of this matter: the quarrel pending between these barbarians must on no account put him off his guard in any particular. Let him report by post the results of his late investigations and the steps taken by him thereupon.

The cities of Wu-chang and Han-yang in Hu Peh, will it is hoped, be recovered immediately, but money for the pay of the troops is urgently needed. Let Yeh Ming-chin with all speed apply several myriads of taels [of the revenue of his jurisdiction] to this purpose, and appoint trusty officers to carry it, one following the other, to Yang Pei, for the supply of his camp. Let there not be a moment's delay.

"Send a copy of Hiang's despatch [to Yeh] for his information and hurry this forward to him, at the rate of 600 li a day, with instructions to him to attend to it. Respect this!"

In obedience to the Will of His Majesty this letter is sent.

Translated by

Thomas Wade

Chinese Secretary.

2d. Memorandum.

Sir John Bowring and W. McLane, having failed to extract anything satisfactory from the Imperial Commissioner Yeh, or the authorities of Kiangsu (the reports and comments on the correspondence with whom were included in Part I of this collection) proceeded to the mouth of the Pei-ho with the view of communicating directly with the Court of Peking, and reached their anchorage on the 15th October 1854

From the 16th October until the 10th November, the ministers or their secretaries W. Medhurst and Dr. Parker, continued to meet or correspond with various officials of rank, with no result, however, beyond a promise that on three local questions strictly within the scope of the old treaty, the chief authorities of the jurisdictions to which these more properly belonged, should be instructed to give equitable decisions. No allusion is made to the employment of force, except on the defensive. Tientsin was reinforced with 3000 men, and the officers in charge of the coast were generally directed to be on the alert. No violence was apprehended from us, apparently, in the north, but it was thought not impossible we might join the rebels in the south if we were sent away with no answer at all to our petition How little was to be granted was very early settled, and believing that with that little we should go home contented, the Chinese yielded a point of form, which we

had

had fought very stoutly, in the appointment of a plenipo-
tentiary. Our delight at the announcement of his nomi-
nation appeared to them to justify the wisdom of the con-
cession. It in no way affected the issue as they had de-
termined it, and as it made the necessary message
somewhat less disagreeable to us, it diminished our
ostensible grounds of complaint. And so, having from
the first been in possession of our demands, they
carried the grand point, viz. that we can in no way
have access to the Emperor; whom, by his desire, they
maintained all along to be in ignorance of anything beyond
the fact of our presence off the Pei-ho — a fact in itself
abnormal and censurable; and that at Tientsin (that is,
at Ta-ku) though for this once the announcement of
our coming there did but recoil upon us in discourteous
treatment, nothing definite was to be negotiated.

The bulk of our demands, they looked upon as
deliberately thrown in to swell our list, and the Shanghai
duty question, which without local knowledge and much
fuller information they could hardly have understood,
they completely misapprehended. Our desire was that
they should express some anxiety about the recovery of
nearly a million of taels, for which the British and
American consuls at Shanghai held promissory notes.
Their impression was that we desired to have this arrear
remitted; and the Emperor does not seem to have thought a
certain amount of liberality on this head unreason-
able. (Signed) Thomas Wade, Chinese Secretary

I. Memorial of Wankien and Shwang-yui, of the 20th Oct. 1854. They cannot persuade the barbarians to return south, so recommend the appointment of the Governor-general of Chihli, or some other high officer, as commissioner to meet them.

Translation.

Your Majesty's slaves Wankien, director-general of the salt collectorate of Chang-lu, and Shwang-yui, general commanding the Tientsin division [of the Chinese army of Chihli], upon their knees present a respectful memorial, being a confidential account of their reception of Medhurst and another interpreters of the English and Americans, and [of their attempts] to persuade them to go in the right way; — whereon, looking upward, they hope for the Sacred Glance.

They would humbly state that the particulars of the interview with the English interpreter (1) Medhurst, and the American interpreter Parker, had with your slave Shwang-yui, and Tsien Kien-ho, intendant of Tientsin, on the 26th inst (Oct. 17th) were immediately reported in full to your Majesty, as is on record.

On the 27th, your slave Wan-kien and his colleague, together had an interview with these barbarians in front of the fort. In reply to the question of your slave Wankien, why, as there is no [foreign] trade whatever at Tientsin,

they

(1) The term employed is that used at Canton for the native linguists, a very low order of employés.

they had presumed to come there, the barbarian Medhurst stated that certain changes affecting trade had become necessary; they had been to Kwangtung and had requested an interview of the Gov.-gen. Yeh, who had refused to see them; they had subsequently returned[2] to Shanghai, where they had seen the Governor Kih (Kihanga), and informed him plainly that they were going to Tientsin. The Governor Kih had again and again [endeavored to] prevent them, and had desired them to hand him the draft [of their propositions] presented before, in which case he might be enabled to submit it to the Throne for them. Apprehensive of delays they had come to the port of Tientsin, and [now] requested that application might be made to his majesty the Emperor to allow Bowring and Mr Lane, the envoys of their two nations, to meet the ministers of his Majesty in Peking to state the changes [needed] in the treaty. This would without doubt be greatly to the advantage of both Chinese and foreigners. Should representation of their requests be refused them, they would have no alternative but to return south with all speed, and report the result of their mission to their respective governments.[3] The treaty of peace, in short, that was to last ten thousand[4] years, would in that case become waste paper.

Your

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(2) Both Plenipotentiaries had been at Shanghai in the summer.

(3) Lit. The state. king of their several states.

(4) The Chinese of Art. of the Treaty of Nanking, which in English means

Your slaves rejoined, that [in the first place], they could not well, up here, be thoroughly acquainted with all the regulations of trade, these having been settled in time past, in Kwangtung. In the next, as the treaty of peace was for ten thousand years, it was of course a duty to show the deference due to it[5] for evermore; how then could a request be preferred for modifying it? How, farther, the twelve years' term of the Americans not having yet expired, could negotiations be opened afresh? Then again, on their return to Shanghai, when Gov. Kih had desired them to present their paper that he might submit it to the Throne, they ought to have handed it to him, and waited further action on his part. What need was there for them to come to Tientsin, importunately preferring requests? The proceeding to Peking to state their case, as proposed by Bowring and M'Lane, was not only out of the question, but a measure which the memorialists[6] could not with propriety even submit for them to the Throne.

The barbarians added that trade at Tientsin was not what they were insisting on; the real reason of their application to go to Peking was to complain of certain griefs too painful to be borne

Referring to the memorials and correspondence

of

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(5) To act in obedience to it as sanctioned by the Emperor.

(6) The officer of the Vigilance Committee for the protection of Peking and its vicinity against the rebels, in which capacity Wankien was acting at the time

of the authorities of Kiangsu on barbarian affairs, Kweiliang, the gov. general of Chihli, had sent confid. ential instructions to Tsien Hien-ho, Intendant of Tien. tsin, to desire the barbarians, should they come to Tien. tsin, to adhere strictly to the Treaty

Acting on these your slaves exhorted them for several hours, trying every means to direct them in the way they should go, and employing in all they said an equal proportion of austerity and mildness (lit. the hard and the soft). The barbarians, however, with con. sistent disingenuousness, pertinaciously adhering to their request that representation be made to the Throne, a special danger presented itself, viz. that unless some latitude (lit. tether) were allowed them, and a representa. tion to the Throne indulgently conceded them, these bar. barians, although not presuming to dash up [the river], might sail away south, and [instead of submitting] con. vert [their dismissal] into a ground of complaint. With the responsibility of an affair so important as the present resting upon them, your slaves dare not retain, be it ever so little, the standing prejudice (sc. against any concession whatever). The character of the barba. rians is notwithstanding, so extraordinarily malicious, that precaution against their advancing other irreg. ular pretensions will still be indispensible.

It remains, therefore, for them frankly to set forth the truth, and prostrate to request your Majesty to declare for their guidance, whether or not a high offi.

cer

cer shall be sent by your Majesty, or the Gov. gen. Kwei. liang directed to proceed to Tientsin, to desire the barba. rians to go back and inform them to what place they are to proceed: there to abide investigation and decision; to the end that, with reverent obedience, they may return south.

Having written express to the gov. general of Chih. li, and repeated their commands to the officers of the land force, to keep watch and ward with strictness and se. crecy, it is further their duty to present their respect. ful memorial, whereon they request your Majesty's pleasure.

The reply in the vermilion pencil to the above was received on the 29th of 8th moon (Oct. 20. 1854)

Translated by Thomas Wade
Chinese Secretary.

II. Postscript to the foregoing, suggesting that his Majesty should refer the barbarians to the high authorities of Kiangsu.

Translation

Supplementary Memorial of Wankien.[1]

Further; your slave Wankien finds it stated in the original memorial of Kuhanga, the governor of Kiangsu, that the chiefs of the three nations (England, France and America) had combined (or were acting together); whereas the ships that have arrived at the port of Ta-ku belong only to two nations, the English and American. It is stated, but whether truly or not there is no evidence to show, that the French barbarian vessel had come half way, when she was damaged by stress of weather.[2]

In the propositions brought forward by these barbarians at their interview, it was, in most points the view of the one individual, Medhurst, that in general prevailed. The other three persons[3] did no more than assent subserviently [to what he said]. To judge from appearances Medhurst is much the most crafty. They aver that their end in coming to Tientsin on this occasion is the revision of the Treaty and the exposition of grievous wrongs, but there is no fathoming their minds, nor is it at all certain that they

are

(1) Acknowledged on the same day as the foregoing, in which it was, as is usual, most probably inclosed.

(2) The "Jeanne d'Arc" had grounded in the Yangtzi kiang, [at Shanghai and was in dock.

(3) Dr. Parker, Sec. U.S. Legation, & I suppose Lieut Grier, R.N. & Lieut. Carter U.S.N.

are not covering a mischievous purpose, their [real] object being to find a pretext for misunderstanding with us.

Yesterday they wanted to land for a walk, but your slave and his colleagues told them, authoritatively, that the Tientsin volunteers were very numerous, the population very fierce, and that should any misfortune thence come of their proceeding, [so far from its availing them anything] the good understanding between us would on the contrary be affected. On this they at once desisted. Twenty soldiers have been stationed in a small boat alongside the barbarian vessels,(4) ostensibly for their protection, but really to watch their movements.

The nature of barbarians is, however, malicious and crafty. Were they obliged, after their voyage, to return to Canton with nothing definitely settled, after making a long journey to no purpose, they would certainly be dissatisfied; and when they sailed south, though they might not venture on any extravagant demonstration of violence,(5) it might not improbably occur to them to ally themselves secretly [with the rebels].

Your slave has been very graciously treated by your Majesty, nor dare he in this autumn(6) of troubles, neglect to

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(4) Lying off Ta-ku.

(5) Not dare with great extravagance hawk-like to spread [the wing], or, to make hawk-like swoops or flights

(6) A classical expression, like "the winter of our discontent", having reference to the time of year.

to examine, and with heart unbiased (or unpretending) every means by which a satisfactory issue may be achieved. Barbarian ships have been in the habit of trading at Shanghai, and these barbarians themselves state that for the Governor-general and Governor of the Kiang provinces, they have always entertained the profoundest respect and deference. Might not your Majesty issue a commission to those two officers to inquire into and definitively dispose [of the barbarian question], associating with them a high officer, perhaps, sent forward to assist in their deliberations? In this case, your slave could, with all respect, inform them that such was your Majesty's decree, and command them to return south, and there abide [further proceedings]. They would then be left without pretext of complaint, and might possibly be prevented from bringing forward any fresh propositions.

The opinion that is within range of his stolidity, your slave, in the rashness of his ignorance bluntly declares; and unequal to the excess of his trepidation awaits your Majesty's commands

A respectful memorial presented supplementarily by your slave, Wankien

The reply in the vermilion pencil was received Kienfung, 4th year, 8th moon, 29th day. (Oct 20. 1854)

Translated by T Wade, Chin. Sec.

III. Confidential Memorial of Wankien and Shwang-yue, acknowledged Oct. 24. 1854. They had ascertained that the barbarian chiefs really were outside the bar; also that the object of their coming was to obtain modifications of the Treaty. They had disputed the right to require these, and should now wait for Tsungluen's arrival.

Translation

Your slave Wankien, director-general of the Salt Collectorate of Changlu, and your slave Shwang-yue, general of the Tientsin Division, upon their knees present a memorial.

They respectfully submit a confidential relation of their successive interviews with the barbarian Medhurst and others, and of the specious fallacies with which they strove to maintain their own ground, while answering the queries put to them regarding the real object of their coming; and looking upward solicit thereon the Sacred Glance.

Your slaves had interviews with the English and American interpreters Medhurst and Parker on the 26th and 27th of the moon (Oct. 17 & 18). They inquired of them where the barbarian chiefs ~~Bowring~~ and Mr Lane then were; and on their answering that they were lying below the Bar waiting for further intelligence, your slaves detached a trusty military officer to observe. He found three steamers and one small sailing vessel anchored outside the Bar, 20 Li and more (some 7 miles) distant from the forts. Had your slaves desired [the chiefs] to come in for an interview, there would have been

been another barbarian vessel within the port[1]; but had they themselves gone out to see [the chiefs], they feared that they should thus offend even more against the dignity [of China]. They had therefore two interviews with the barbarians Medhurst and his colleague. On inquiring the real cause of their coming, Medhurst presented a draft of propositions, and Parker two volumes, one of which was identical with that already laid before Kiang, governor-general of the Two Kiang. Finding that the propositions in these were generally in the language of outrageous (or extravagant) absurdity, too offensive[2] (to our notions) to be practicable, [your slaves] as in duty bound rebuked them for their impropriety, and at once returned[3] [the papers] to them, not presuming to take on themselves to receive them. Their omission to mention this in the two Memorials already presented to your Majesty was indeed an act of carelessness on the part of your slaves.

The Council yesterday transmitted to them an Imperial Decree they had had the honor to receive in these words:- "At their interview with them, Wankien "and his colleagues must disconfit (lit. snap short) their "deceit and arrogance, and foil their malicious sophistry."

With

per petition

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(1) In addition to the lorcha "Chusan", and the U.S. tender "J. Cooper".

(2) Lit: Obstructive, hindrances in the way we think right.

(3) Lit. Threw back, as a superiors usage is with an impro-

With reverence they beheld how all-sufficiently your Majesty's instructions provide support to your slaves in the duty intrusted to them. As they read the decree on their knees, it were hard to describe their respect and gratitude.

In obedience to the commands received, they at once prescribed a time for an interview, but a northerly gale preventing the barbarian [chiefs from landing]. They had another interview with Medhurst and his colleague on the 30th (29th Oct.), when they desired them to explain what really and truly was their object in coming. They again stated that it was in truth a modification of the Treaty, goods being hardly saleable by reason of the disturbed state of the country; and they again presented the paper of propositions tendered before.

Your slaves went over it together, and stated the objections to each article one by one. On the article, for instance, in which they require to establish themselves in any part of China they please, purchasing land, building dwellings, and opening warehouses, your slaves remarked authoritatively that even ships were not allowed to enter any but the five ports; how then could dwellings be built or warehouses set up in any other? The common people, besides, well knowing the severity of the law, would not venture illegally (or unauthorizedly, clandestinely) to sell land, though it were but an inch to the outer barbarian.

Next, as to the proposition to send a plenipotentiary

"kiang to reside in the northern capital of China for the con-
duct of correspondence, your slaves observed authoritatively
that under the original treaty, "no state was allowed to
"send officials[4] [to Peking] on business so insignificant as
"that of trade," what correspondence could there be to
conduct? Yet more, the imperial precinct of the Celestial
Dynasty is sacred ground, how could the outer barbarians
be suffered to profane[5] it by their presence? All the above
requests were outrageous and impertinent, utterly imprac-
ticable: it behoved us to leave them undiscussed.

Of the other changes of treaty applied for by them,
the majority were conditions on their part only,[6] respecting
the trade they required up the Yangtsz' kiang. Your slaves,
following the general sense of Kiang's memorial, put
down [all these notions] peremptorily, authoritatively declar-
ing that in the original treaty, no mention was made of
permission to trade up the Yangtsz' kiang, and that the con-
travention of this provision was under Treaty severely pu-
nishable. "Do you not know, [asked your slaves] that in the
"unmannerly application you are now making for a change
"of regulations, you violate [the obligations] of faith and jus-
"tice you should religiously observe, and that it would
"therefore

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(4) This is the 34th Art. of the American treaty, "no state of the United States, [pressed to presently
&c. Kiang had misapplied it with somewhat similar severity. His memorial is re-

(5) Lit. The chariot [ways] of the Celestial Dynasty are important ground. How
can it be suffered that the outer barbarians should restlessly enter therein?

(6) Coming from them, and regarding only their own interest.

"therefore be next to impossible to give you permission to do [as
"you require]?"

There was also presented another paper in several articles,
which, on inspection was found to allege various grounds of com-
plaint; - difficulties were frequently put in the way of hiring
houses of people at the five ports; the local officials did not
secure the recovery of moneys due by merchants; cases of
incendiarism and robbery, and of piracy on the outer seas,
in which appeal had been made to Chinese authorities, had
been left to this hour unredressed. Further, Canton was
invested [by rebels]; so was Shanghai; there was in con-
sequence no market in the five ports for merchandise to
the value of hundreds of thousands [of taels]; and as there
was no authority with whom to discuss and arrange [these
things], they (the barbarians) had accordingly come north
to complain.

Your slaves told them that in the hiring of houses
and similar matters, it must be left entirely to the people
to give their consent or withhold it; no one, even though an
official, could extort their consent. [As to debts,] where money
was really owing, did they mean to say that the authorities when
appealed to did not entertain the suit, and take steps for re-
covery? As to robbery and piracy, the laws of China were
very severe, the penalties against the local authorities [for
not enforcing them], extremely grave; how should these fail
thereby zealously to make search for and seize [the delinquents]?
At this place, however, there were no papers [connected with
any case], to show in what place any injury [of the kind

com-

complained of] had been sustained, and where consequently proceedings were to be instituted, and the offense punished.

As to Kwangtung, there was intelligence of important successes in many parts of it; order would be immediately restored there, and merchants would then, of course, be enabled to trade as usual; there was no occasion for over-anxiety [on this head].

This was authoritatively set before them in plain language. Again and again were they shown the right path. Medhurst and his colleague, unable to debate any longer, insisted pertinaciously that they were merely bearers of the letters they had brought; there must be an interview with their chiefs Bowring and M^c^Lane, they said, before the different requests in their paper of negotiations, to all of which they had so earnestly besought assent, could be discussed and disposed of. If representation to the Throne were denied them, they should acquaint their chiefs, who would return south.

Your slaves informed them they were ready to have an interview with Bowring and the other barbarian chiefs on which Medhurst and the other declared that these could not well meet any one but a high officer sent from your Majesty. They tried every description of specious pretense to carry their point; until, it being sunset, the conference broke up.

They had spoken of going to Tung-chau,[5] on which

it

(5) Within ten miles of Peking

it had been authoritatively set before them, that if they did venture to proceed, the authorities would not interfere; but, that the volunteers of Tientsin amounted to upwards of a hundred thousand in number, united in heart; and if, as was probable, any harm were to be done to them on the road, it would not concern the authorities. Medhurst said, "We too, have heard in the south of the repulse of "the rebels who invaded Tientsin last year by the vo. "lunteers;" and thereupon they desisted. Truly do they, in the words of Your Majesty's Decree, make false asser. tions to intimidate.

As Tsungluen will arrive at Tientsin immediately, it remains only for your slaves, in respectful obedience to your Majesty's commands, to consult together, and insure by deliberation the adoption of the best course to be [meanwhile] pursued, and to abide the deliberation and decision of the gov.-general Kweiliang. Not assuredly, dare they commit themselves as by passive indifference, or by regarding only what is immediately before their eyes, to mar the fortunes of the moment.(6)

They have accordingly given orders to the troops and militia within the prefectural city (Tientsin) and without it, and at their several stations along the water-communications to keep watch and ward with strictness and secrecy. This done, they have in concert with Tsien

Hien-ko,

(6) Lit. To spoil the opportunity, to influence the luck of things to evil

Kien-ho, the acting salt collector, to present a confidential memorial respectfully drawn up, detailing the particulars of their second interview with these barbarians, the questions put to them regarding their object in coming, and the injunctions laid on them with affectionate earnestness.

They have to add, that in obedience to your Majesty's will, your slave Wankien did confidentially report to the assistant high Commissioner Sangkolinsin[1] the arrival of the barbarian ships in the port, and yesterday received a letter from him to the effect that he was sending Chang Sien-yuen, acting general-in-chief [of the Chinese army of Chihli] with 3000 men to the city of Tientsin, which they would reach immediately, to assist [the garrison] in its defense. Trading junks and rice junks are going in and out of the port of Taku without hindrance. Officers have been sent to cruise and observe, without the knowledge of the barbarians, [all which particulars] it is the duty of your slaves to add to the foregoing relation. Prostrate they pray that your sacred Majesty will glance thereon, and issue your instructions. To this end they respectfully memorialize.

On the 3d of the 9th moon in the 4th year of Hienfung (Oct. 24th 1854) there was received the following reply in the vermilion

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(1) A Mongolian prince of the highest order of Imperial nobility, then associated with the commander-in-chief in operations against the rebels.

vermilion pencil: /

"We have read the memorial. The falsehoods and clamor-
"ous bluster of the barbarians are transparent enough.
"They are not very skillful. As soon as Tsungli comes,
"you must take friendly counsel with him, and devise
"some satisfactory arrangement of the matter. You will lose
"no time in reporting confidentially the arrival of any
"additional barbarian vessels, as well as any movement
"on the part of the barbarians. Respect this!"

Translated by Thomas Wade
Chinese Secretary

IV. Confidential Memorial of Wankien and Shwang.yui of 30th October, 1854. They had rejected a present and returned an improper letter of the barbarians.

Translation.

Your slave Wankien, director.general of the salt excise of Changlu, and Shwang.yui, general of the Tientsin division, on their knees present a memorial.

They respectfully present a confidential report upon the more recent proceedings of the barbarians and communications received from them since [the date of their last memorial]; and looking upward pray for the sacred glance thereon.

Your slaves had dispatched their reply to the barbarians on the 5th day (Oct. 26th), when in the watch called shin (7-9 o'clock a.m.), Medhurst and Parker went out of port with about 20 persons. On the 6th day (27th Oct.) in the same watch, they came into port, and returned the vessel they had before been on board of. In the watch called tsz (9-11 a.m.) on the 7th (28th Oct), the barbarians delivered to the river patrol a dispatch to be forwarded to your slaves, to whom they wanted at the same time to present 36 bottles of barbarian wine. This was stopped at once. They were not allowed to land the wine, and as some of the language in their communication was outrageous and impertinent, [your slaves] after duly consulting together drew up a reply, and returned (threw back) the original; a fair copy of which, as well as of their letter, respectfully made, they tender with reverence

ence for your Imperial perusal.

The barbarians, however, maintained pertinaciously, that they must have the honor of waiting for your Majesty's decree. Your slaves would not give any promise lightly; [on the other hand], had they continued idly disputing, to use the words of the decree of your sacred Majesty, this business would never be brought to a termination. And having further information that the barbarians proposed to weigh anchor for the south on the 9th day (29th Oct.), after deliberating thereon again and again, they wrote a reply, in which they made a slight allusion to [the intended departure], as an experiment to ascertain what their order of proceeding might be; [which discerned], the course [of your slaves] might be shaped. There will be no difficulty in sending them off now at once, but the difficulty is to prevent them, when they shall have left this, from raising some fresh question or other elsewhere.

As soon as Tsunglun arrives in Tientsin, your slaves will deliberate further with him, and will contrive to have an interview with the barbarians chiefs, Bowring and the other. They trust then to succeed in effectually stopping these barbarians from playing the spy, and in bending their hearts to submission, thereby humbly to further the high purpose of the instructions again and again repeated by your Majesty.

Their respectful memorial prepared in concert

with

with Tsien Tsien-ho, the acting collector of salt revenue, reporting the receipt of communications from Medhurst and his colleague, and [other] events of the last few days, they submit to your Majesty, and prostrate solicit the sacred glance of your Majesty thereon.

They beg leave to add that the barbarian vessel since come into port is one of the five steamers and others [already reported]. No fresh barbarian vessel has come in. The steamer is still anchored outside of the Bar.

It is their duty to add these details to the foregoing. To this end they respectfully present this memorial.

On the 11th of the 9th moon of the 4th year of Taou-kwang (Nov. 1, 1824), the following reply in the vermilion pencil was received:—

"We are informed of all that you have reported."

Translated by T. Wade,
Chinese Secretary

V. Postscript to the foregoing. Wankien has refused to see the barbarians Medhurst and Parker, because of the improper letter returned: they are penitent and delighted at hearing of the approach of a Commissioner.

Supplemental Memorial of Wankien.

Farther, in the watch called shin (4 P.m.) of the 8th inst. (29th Oct.) just as your slaves had dispatched their replies to Medhurst and the other, these barbarians requested an interview. Your slave Wankien declined to receive them on the plea that certain expressions in their communication (1) had been offensive and impertinent; but your slave Siwang-yin, and your servant Tsien Hien-ho, went forward to meet them, and lectured them upon the obligations of duty. (2) Medhurst and Parker hung down their heads having nothing to rejoin, and apologized for their error. They further observed that as a high officer was to be at Tientsin immediately to look into [the questions pending], there would [now] be peace between us, and though they should die they should not care. (3) They seemed greatly ashamed, and their language was most respectful.

Your slave Siwang-yin and his colleague again told them authoritatively, that if the envoys Bowring and

McLane

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(1) Already returned as above shown.

(2) Lit. The great, or whole, or universal, obligations: those incumbent on all men in all relations of life.

(3) They were so delighted at the appointment of a commissioner, they cared not what might become of themselves.

Mr Lane, were certain to come, an interview could be accorded them. Meshurst said: "The envoy of my nation would be want-
"ing in politeness were he to decline the interview; let me
"go out of port to inform Bowring and his colleague and re-
"turn." The conference then broke up and they departed.

The commandant of Taku reported that in the watch called yu (6-7 P.M.) Meshurst and Parker had gone out of port in the lorcha, taking ten or more men with them. The port is shallow, and the weather is becoming cold with the north wind that has been blowing several days. These barbarians fear the cold, and are also alarmed about the ice. Their anxiety to go to the capital was clearly pretended, put on to make the most of the situation. They cannot certainly stay long. If, however, they could be bent to submission, and made to go back without any loophole left for a cause of quarrel, it being insisted on that they were to return south to arrange any slight modifications that may admit of discussion, the path prescribed by feeling and principle might be again pointed out to them, and they could not fail to follow it. To judge from appearances, they cannot well have any important demand to make here, nor will they venture to raise troubles elsewhere.

It is the duty of your slave to add to the foregoing this account of the subsequent interview with the barbarians on the day.

It was acknowledged on the 11th of the 9th moon (Nov. 1.)

Translated by T. Wade, Chin. Sec.

VI. Confidential Memorial of Tsunglun, Wankien, and Shwang.yui of the 4th Nov.r acknowledged on the 5th Nov. 1854. They have met the barbarian chiefs, and recommend the Emperor to allow them to refer the chiefs to the high authorities of some jurisdiction to which the Treaty gives them access.

Translation.

Your slaves Tsunglun, Wankien and Shwang.yui, on their knees present a memorial. They respectfully present a confidential memorial, showing how they interrogated Mr Lane and Bowring, the chiefs of the American and English barbarians, on their entering the port to pay them a visit, respecting the true cause of their coming hither; and detailing the steps taken by themselves upon deliberation; whereon, looking upward, they implore the sacred glance.

Your slaves would humbly state that the 13th (Nov 3) having been appointed for an interview with the barbarian chiefs, at noon on that day, the two, Mr Lane and Bowring, with a following of 167 barbarians were brought into port in seven boats, and landed accompanied by the interpreters Medhurst and Parker. The barbarians advanced, every one armed, formed in file, and with a band playing (or, with the music of drums). Your slaves had had a blue tent pitched in front of the fort, and round this they planted troops in a continuous rank of soldiers: the officials, civil and military, divided into two wings, being drawn up in attendance to

give

give substance to the spectacle, and present a duly imposing appearance. When the chiefs had come to the blue tent, they were immediately received by Tsunglun and his colleagues. All were then seated, each in his proper place[1]

The barbarian chiefs McLane and Bowring were certainly very respectful in manner. They stated that they looked up with gratitude to his Majesty the Emperor for sending a minister to the port of Tientsin to which they had come; and that it gave them, the envoys, inexpressible pleasure to meet him.

Your slave Tsunglun thereupon told them that Tientsin was properly not a place to which foreigners had a right to come; bearing in mind, however, their sea-voyage, he had consented to meet them. Anything they had to discuss, they must truthfully declare, and if the matter lay within [the scope of] the treaty, and was at all reasonable he would go into it with them.

McLane replied first. Since the original treaty was allowed[2] to come into operation, a long time had elapsed; the present state of things urgently called for alterations in it. He had been to Kwangtung, but Yeh would not receive him; he had therefore come to Tientsin to intreat that steps might be taken in the matter.

He

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(1) That is, according to the courtesies regulating the intercourse between host and guest.

(2) Lit. Since we have had the honor to act, viz. under the sanction of the emperor.

He presented at the same time, the paper of propositions handed in before. Its purport was much to the same intent as what has been again and again reported to your Majesty by your slave Wankien.

Your slave Tsunglun at once in plain words positively negatived the proposals therein set forth respecting the hire of dwellings, rent of lands, and establishment of warehouses in the interior, as well as the residence of a barbarian mission at Peking for the conduct of correspondence.

The barbarian [McLane] had nothing to urge in reply. He said that the paper before presented had not contained everything he had to say. If the Minister now sent by your Majesty to Tientsin had powers sufficient he would hand over a treaty in detail, containing the articles to which the United States so anxiously sought assent. If he [Tsunglun] had not the great powers necessary, further negotiation with him would be inexpedient.

Your slave Tsunglun authoritatively repeated, that public servants in our state do not pretend to plenipotentiary powers; in all things they wait for the command of their sovereign before they act; and that there has never been any such denomination [of officer] as plenipotentiary. "Now, (he said) if "any one of the things which your United States so "earnestly request be to the common advantage "of both parties, or to the advantage of foreign na-

"tions,

"tions, and of no prejudice to China, we can doubtless de-
"liberate upon it, and arrangements can be made when
"it shall have been explained to his Majesty: but, were
"I, his minister, so far to forget myself as to submit on
"your behalf, [propositions] that were very offensive[3] to
"China, our Emperor would be sure to punish me for
"my irreverent obtrusiveness."[4] There can be no objec-
"tion, however, to your producing what you have to pro-
"pose. When we have read it, we can discuss it with
"fairness (or, on principles of justice)."

The barbarian chief McLane on this had a very long consultation with Bowring, Medhurst, and Parker; each [chief] then produced and presented a fair draft of the [proposed] modifications. Your slaves, Tsunglun and Wankien, perused them, and finding articles in them to contain matter in general prejudicial to large interests, and entailing consequences in no slight degree calamitous, [felt that,] to bend the heart of the barbarians to submission it would be necessary to disapprove and reject these with emphasis. But it was now near sunset, and their detention within the port would have involved the farther trouble of making provision [for their stay]. Besides, on the part of England, it is Medhurst who interprets, and as it was to be apprehended,

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so

(3) Or obstructive, of great hindrance to. See above

(4) This word includes the idea of profaning or defiling, as "fools rush in", &c.

so singularly ill-disposed[5] is this barbarian, that he might not convey all that was said, it was deemed expedient to tell them authoritatively that several of the articles in their paper were inconsistent with the original treaty, and did not belong to the business of the five ports; that their requests were very outrageous and impertinent; but that, as their objectionableness could not be set before them in a moment, they must wait until the minister, (Tsunglun) who would take home the papers for more attentive consideration, should write them a reply. He would therein, article by article, negative all that was perfectly inadmissible. As regarded such matters as did admit of consultation, viz. adjustments [of the treaty] to meet alteration of circumstances, this was not a place for the transaction of barbarian business. He, the minister, had not the means of fully informing himself regarding the negotiation of the treaty at the time it was made, neither had he any documents to refer to. More impossible was it for him to give an opinion upon the customs duties, the conditions of this question being different in different places.

The proper course would be, doubtless, to lay the matter before the Throne, and request his Majesty to give it in charge to the high authorities of the provinces concerned, on whom devolves the administration of barbarian business, to ascertain the provisions of the original

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(5) Lit. Cunning and malicious

original treaty, and determine the matter on due consideration of the circumstances. Some slight advantage might then accrue to commerce of foreign nations; and the right and the wrong in the complaints [now preferred by them] would be easily distinguished

The barbarian chiefs then asked on what day they might expect an answer respecting the [proposed] treaty now handed in.

Your slaves told them it would have to be carefully considered, article by article, and should be sent back on the 18th inst (8th Nov.) The barbarians expressed themselves content, and taking with them all whom they had brought on shore, left the port in the Lorcha and returned to their own ships.

The greater portion of the propositions of the barbarian chiefs, M'Lane and Bowring, your slaves find to be out of all reason; nor should they, by rights, presume to intrude them upon your sacred Intelligence. Not venturing, however, on the other hand, in a matter of so grave importance to do otherwise than frankly expose the truth, they respectfully forward for your Majesty's perusal a copy of these papers presented by the Americans and English. As concerns the various outrageous demands put forward at the goodwill and pleasure of these barbarians, doubtless it were the part of your slaves to bestow their whole attention on a final [or judicial] decision of these — by injunctions to be just; by disapproving and rejecting their propositions one by one, by peremptory refu-

sal

sel, to close the way of their prying curiosity [or purpose of spying], of their insatiable desires; they ought not indeed to presume to trouble the Sacred Mind again. But in the paper submitted [by the barbarians], there are various stipulations, in the matter of which, though it certainly does admit of discussion, the dignity [of the State] is nevertheless involved; the demand that there should be correspondence[6] with the high provincial authorities; that [official] interviews, when they occur, shall take place in the official residences of the authorities; that in collisions between Chinese and foreigners both sides shall be heard by the authorities sitting together, and each party then punished by the government to which he may belong; also, that governors-general shall receive barbarians on terms of equality; also, that [China] shall coöperate in clearing the seas of pirates; and that proceedings shall be immediately instituted for the recovery of the property of which [certain] Englishmen have been defrauded by Chinese.

On the subject of the remaining sections, their proposal to pay duties in gold coin, their application for a gracious remission of arrears of duties, and the circulation of foreign silver and foreign coins - being things regarding the duties [as collected] in different places - it is not in the power of your slaves to inform themselves exactly, and were they without due consideration, to enter

on

(6) Robably consular correspondence is meant. The treaty provision respecting it has been constantly ignored

on the discussion of these with the barbarians, they would probably, in their humble opinion, be misled by them.

To come [to the final arrangements to be made,] these chiefs went first to Kwangtung; Yeh Ming-chin refusing to see them, they returned to Shanghai; but tho' they there did meet Kirhanga, they were still without a means of humbly bringing to the notice of your sacred Majesty, the requests which they had it at heart to prefer. They accordingly came straight to Tientsin, and it is shown by their words and looks that they are touched and gratified by the appointment of an officer to look into [their case]. Some of their proposed modifications of treaty, it is true, are outrageous and impertinent; yet if no single one were conceded, they would certainly return home crestfallen and angry; and though they might not venture to break out at once into open violence, still the mist of the south (the rebellion) is not yet laid; and were they to commence some separate and secret machinations (or mischief), the management of them would be a more delicate[7] matter [than at present.]

Now from the absence here of any of the papers required for reference, inquiry into and disposal of such of the propositions of the barbarians as admit of discussion, would involve a considerable delay;

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the

(7) Lit. The managing or arranging would be more thorny to the hand, or finger-pricking.

the frosts may set in in the twinkling of an eye; the barbarians dread the cold and will certainly not wait long: still, as far as their intentions can be divined, it seems to be a point with their chiefs to wait for the expression of your Majesty's pleasure. It is doubtless for your Majesty to judge what means were best to keep them within range. Dare your slaves so far forget themselves as to be importunate? Still, having been charged by your Majesty to act independently[8] in the course adopted upon the inquiry they were commissioned to make, it becomes of course their duty to declare frankly the view taken by their dullness, whatever it may be.

[They must suggest, then,] that selection be made of so many of the articles in the paper tendered by the barbarians as may be in reason admissible, and that these be handed over to the high provincial authorities in charge of barbarian affairs, with instructions to bestow all attention on their consideration, and to bring the inquiry to a satisfactory issue in accordance with what they shall find laid down in the original treaty; - that the spirit of tenderness[9] be made manifest.

On the propriety [of this course], your sacred Majesty will decide. It is not that your slaves are presuming to allow the barbarians to coerce them, but that they do

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(8) Lit. Enjoined not to borrow from the bystander

(9) The word is more specially used of tenderness to men from afar

do apprehend that, unless your Majesty vouchsafes them a path out of the strait in which they appear to be, they may fly to some inaccessible [position],"(10)" and so render the affair interminable.

They have communicated to the governor-general Kwanliang the details of their interviews with the barbarian chiefs, and their inquiry of these as to the real object of their coming. It is further their duty to submit respectfully to your Majesty a confidential memorial prepared after solemn deliberation with the acting salt commissioner Tsien Yin-ho. Prostrate they solicit the sacred glance of your Majesty thereon.

They respectfully present their memorial, and pray your Majesty's pleasure.

[The Council] had the honor to receive a reply in the vermilion pencil on the 15th day of the 9th moon (Nov. 5. 1854)

Translated by

Thomas Wade

Chinese Secretary

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(10) The phrase employed is classical; an alliance with the rebels is what is supposed to be hinted at.

VII. Postscript to the foregoing, acknowledged on the 5th Nov. 1856. The English are taking the lead in all this movement; they have been kept in the dark as to the Emperor's acquaintance with their proposals. They must be sent south as before suggested; indifference affected about their further proceedings, and every precaution taken against them.

Translation.

Supplementary memorial of Tsungli and his colleagues.

Further; Your slaves, having received your Majesty's commands to administer barbarian business together, could they have so set the right before the barbarians as to prevent them going back from their engagements[1] would they have dared to trouble your sacred Majesty with further matter of thought by the application which they respectfully made for a Celestial decision.

The English barbarians are, however, full of insidious schemes, uncontrollably fierce and imperious. The American nation does no more than follow their direction. Every movement is the conception of the English. A perusal of the list of propositions presented by them shows that they are in general the views of a single self. They consist neither with right feeling nor principle. They have been mildly remonstrated with, but so crafty and slippery is their disposition that

(1) Lit. Hopping and changing, going back and forward, accepting a decision and then repudiating it.

that it is hard to set the right before them.

Your slaves, having duly taken counsel together, have resolved to point out to them what articles admit of discussion; and for discussion of these, whether important or otherwise, to refer them to one of the five open ports. The place to which they might prefer to proceed, your slaves would report to the Throne, high authorities of the province in which it lies receiving instructions from your Majesty to consult together and make their disposition according to the particulars of the case as ascertained by them on investigation; and [on this decision] to oblige the barbarians to return and abide [the issue]; to reject the rest of their propositions one and all; and on receipt of your Majesty's approval [of this course], to write them another letter for their instruction, and return them (lit. throw back) their paper of articles. Should they be willfully perverse, to take no notice of it, but to more than ever active in preparing secretly for defense, and to wait spear in hand. With the right on our side and the wrong on theirs, it does not seem that they can have anything to allege against us. It is the nature of the Man[2] and the I, while they dread the strong to insult the weak. Without some display of power, they will not perhaps be deterred from their purpose of prying and spying. (lit.

their

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(2) The four barbarian races surrounding ancient China Proper, were the Man, the I, the Jung, & the Tih. The second is now almost generic for races not Chinese

their heart of spying will not be awed)

It is proposed in replying to them to show a certain amount of indifference; thus to enhance the dignity of the state, and annihilate their treacherous projects. The barbarians are in noways to be informed that the paper of propositions tendered by them has been laid before the Throne. They were told in the first instance that it was taken away to be studied more carefully; that on anything in it which might be of advantage to both sides, or in no way to the prejudice of either, your Majesty's pleasure would, after due deliberation, be requested for them; that the remainder would be negatived article by article, as being from their offensiveness and impertinence hameful and impracticable; and that the paper would be returned to them on the 18th (Nov. 8th). The barbarians have never been given to understand that a copy of it could have been submitted to your Majesty for perusal.

As in duty bound, they add this inclosure to the foregoing articles.

VIII. Imperial Decree, approving the suggestions of Tsunglun and the tone he had adopted; reviews the barbarian propositions. Nov. 5th 1854.

Translation.

On the 15th of the 9th moon of the 4th year of Hienfung (Nov. 5th 1854) was received the following Imperial Decree:—

"Tsunglun and his colleagues have presented a "memorial, showing that the barbarian chiefs of the "American and English barbarians had come into port "to visit them; that they had ascertained from them the "object of their coming; also, the steps they (the memorialists) had agreed upon consultation to take.

"The tone taken by Tsunglun and his colleagues "in their interview with the chiefs McLane and Bowring "certainly was dignified, and the suggestions of their "supplementary memorial are tolerably complete. The "propositions in the draft of modifications presented by "these barbarians are outrageous and impertinent in the "extreme, and must be rejected as improper, article by article, that their insatiate craving may be put an end "to. As regards the question, for instance, of intercourse "with the Chinese local authorities, certain forms were "agreed to [when the treaty was] negotiated. Every high "local officer has his jurisdiction to attend to; how "should he so depreciate himself as to have interviews "with the barbarians at every place they may come to?

"Then, in the hire or purchase of dwellings or "build-

"building-sites, and the transport of goods for sale, the old
"treaty must be abided by; it would indeed be difficult to let
"them build in any quarter they choose and travel where
"they please.

"The Yangtsz' kiang is properly not open to barba-
"rian chiefs, and with fisheries on the sea, the working of
"mines on the coast, foreign trade has even less concern.
"What they want is to be spying and appropriating at
"other places besides the five ports.

"In the payment of duties, heretofore, either sycee
"has been employed, or its equivalent in foreign silver. This
"is an authorized practice of long standing; the use of
"gold has never been mentioned, neither is gold ever tender-
"ed in payment of Chinese revenue [otherwise collected].
"Still less reasonable is the proposition that merchandize
"shall be temporarily stored in government warehouses, un-
"der protection of the [foreign] merchants and the Chinese
"custom-house. [And when it is considered that the] ca-
"pital is sacred as being the imperial precinct, and that
"Tientsin adjoins the metropolitan territory, the proposition
"to station barbarians [in the one], and to trade [in the other],
"is yet greater folly; and Bowring's proposal to make opium
"dutyable, and to be admitted into the city of Canton, is a
"detestable inconsistency" [1]

"Of

[1] The opium question was assumed to be dropped when the treaty was conceded; and the Canton question since the correspondence of 1849.

"If the remaining clauses, those of the American
"chief are the more seriously objectionable. They must be
"positively negatived in plain terms, that a stop may be
"put to these irregular demands.

"In the matter of collisions (or disputes) between
"our people and the barbarians, there is the old treaty
"to refer to. Inquiry shall be authorized as to whether or
"not any late decisions of the local authorities have been
"unjust, and the governors-general and governors shall
"make investigation and equitably decide.

"At Shanghai commerce has been embarrassed
"by the violence of the disorderly (or, the rebels). If the
"merchants have suffered from this cause, and want a
"remission of duties. We conciliate and restrain the na-
"tive and the foreigner alike. We cherish the sentiment of
"tenderness to men from afar; reduction or remission of
"duties to a certain extent would not be difficult, but the
"proper proportions of such reductions must be considered
"and decided by the governors-general and governors of the
"provinces concerned, when they shall have ascertained the
"facts. There not being either at Tientsin any papers bear-
"ing on the alleged overcharge of two mace per pecul on
"tea in Kwangtung, this question must be disposed of by the
"governor-general of the Two Kwang.

"Into the three last questions, inquiry and decision
"thereon may be promised, but all the other propositions are
"to be rejected as improper. Let Tsungluen and his colleagues,
"then, affecting to act on their own opinion, set the right be-

"fore

"fore them; and while they undertake to make representa-
"tion on their behalf, command them on the other hand to
"return to Kwangtung. If the barbarians obstinately re-
"fuse to return [thither], they may be allowed to go to
"Shanghai, where Hsiang and his colleague can make in-
"quiry and take action accordingly. The barbarians may
"also be told that there is no analogy between Tientsin
"and the five ports; and that though, in this instance, rep-
"resentation of their wishes has been made as an indul-
"gence, in consideration of the trouble they have had with
"the winds and the waves; if inconsistent (2) and disobedi-
"ent, they return at some future time to Tientsin, they
"cannot certainly be shown the same courtesy as on the
"present occasion. The paper of propositions presented by
"the barbarians is further to be thrown back to them.

"Tsunglun and his colleagues will lose no time
"in reporting to Us whatever may follow upon their
"announcement to the barbarians that their proposi-
"tions are disallowed; and they will, at the same time,
"take precaution against any mishap, with strictness
"and secresy. Respect this!"

Translated by T. Wade,
Chinese Sec.y

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(2) Not abiding by the decision they now accept.

IX. Memorial of Tsunglun and his colleagues reporting the steps taken by them in obedience to the Imperial Decree of Nov. 5. 1854. The barbarians doubt that any representation will be made to the Throne; it is accordingly promised on the three questions, they seem to have had three points to carry, but to have advanced others for show; they have now gone south, and it would be well that the course pursued in their coming discussion with high provincial functionaries should disabuse them totally of the practicability of negotiations by way of Tientsin.

Dated Nov. 10. 1854.

Translation.

Your slaves Tsunglun, Wankien and Shwang-yui, on their knees present a memorial.

They pray the glance of your sacred Majesty upon their respectful memorial, showing how they had disapproved and rejected the modifications [of treaty] pressed for by the chiefs of the English and American barbarians; and reporting the receipt of communications, one from Mr. Lane and another from Bowring, and the departure of the two barbarians out of port.

Your slaves would humbly state that on the 16th of the 9th moon (Nov. 6th), they had the honor to receive through the Council an Imperial Decree to this effect:-

"Upon collisions between the people and barba-
"rians, there is the original treaty to refer to; inquiry
"shall be authorized to ascertain whether justice has
"been done or not in their decisions of late by the local

"auth.

"authorities, and the governors-general and governors of "the jurisdictions will deal equitably in the matter, &c. &c. "peet this!"

We contemplated with reverence the sovereign purpose of your Majesty, who by the even display of grace and dignity, would thus tranquilize and comfort the outer barbarians. The respectful emotion of your slaves, hereby provided with wherewithal to guide them, as they read the Decree, was more than they could bear. As in duty bound, they at once took counsel together, and [wrote] to reject as improper every one of the extravagant demands. The barbarians had seen fit to bring forward, article by article; nor did they venture, while authorizing inquiry into the three [remaining] articles to make any promise inconsiderately. In the communication they addressed to the barbarians, they merely said, "Should any be open to discussion."

This letter was sent on the 18th inst. (8th Nov), and the same day Bethurst and Parker took it out of port. On the 20th, a reply was received from each of the barbarian chiefs to the effect that as the promise given did not extend to the whole of the propositions, there was no guaranty that representation [of any] would be made for them to the Throne, and that they would go back and see the rulers of their states, that it might be decided whether the question be further proceeded with or not.

Your slaves, on this, wrote a reply, to be obeyed by these chiefs, to the effect that representation respecting the

three

three questions that it had been decided were open to discussion, should be made; that the tea-duties were a Canton question; the arrears of duties a Shanghai question; and that it behoved them to return [whither they would]; whatever the place, the high authorities of the province would be sure to have had transmitted to them your Majesty's commands to investigate and decide.

This done, it was reported at noon, by Hung chi-kán, acting commodore of the Taku station, that the two small barbarian vessels had weighed from their original anchorage in the watch called 辰 (7-10 A.M.), on the 20th, and had stood out of port.

In the opinion of your slaves, the object of McLane and Bowring, the barbarian chiefs of America and England, in coming hither on this occasion was, to judge from all the circumstances [of their visit], - their stay at Tientsin above twenty days, their application to have an audience of ministers in the capital, with a view to the modification of the existing treaty, and the redress of their complaints; - failing this, to have a commissioner sent down to negotiate the settlement [of these questions]; - on till your slave Tsunglun did arrive in Tientsin, and had met these chiefs, when they presented a paper of demands, three of which, although all the articles have been singly disapproved of as improper, certainly are open to discussion: - their chief object [was to obtain consideration of] the arrear of duties at Shanghai, the overcharge on the tea-duties at Canton, and trade up

the

the Yangtzi kiang. The remaining articles were mere talk (or lies) to produce an effect.

It would seem, by their returning south as they are now doing, that their success in obtaining a certain portion, though not the full amount of what they made a voyage hither to ask for, will deter them from seeking cause of quarrel elsewhere (or otherwise). Nevertheless, the singular inconsistency of these barbarians makes precaution against their insidious projects indispensable, and it becomes the duty [of your slaves] to request that your Majesty will command the governor-general of the Two Kwang, the governor-general of the Two Kiang, and the governor of Kiangsu, in the event of the barbarian ships of M'Lane and Bowring arriving [within their respective jurisdictions], on the one hand to enforce the strictest vigilance, and on the other to consider with them the three questions of which discussion has been authorized, reporting the decisions arrived at to the Throne; and at the same time to inform the barbarians that when they came to Tientsin, the subjects your slaves agreed were open to discussion were laid by them before the Throne; that they (the barbarians) may be made to understand that Tientsin is a place at which barbarian business is never transacted, and a recurrence of anything so untoward thus prevented for the future.

Your slaves are forwarding the draft of modifications presented by the barbarian chiefs M'Lane and Bowring, to the high authorities of the Two Kwang and the

Two

Two Kiang, whom they also advise of the course determined by themselves. They have further respectfully to submit for the perusal of your Majesty, fair copies of the reply in which they disapproved and rejected the propositions of the barbarian Chiefs, the reply to this received from the latter, and their rejoinders of the 20e inst. (Nov. 16).

They have to add that they have sent some trusty officers, civil and military, to see whether the small barbarian vessels, tho' they had left the port, had sailed south from below the Bar. When these shall have returned to Taku and made their report of what they may ascertain to be the fact, your slaves will present another memorial. Meanwhile, they repeat their orders to the troops and officers to be strict and secret in their preparations for defense; nor to venture, be it ever so little, to relax their vigilance.

They are forwarding to the gov. gen. Kweiliang, all particulars of their disapproval and rejection of the several articles in the paper of modifications they proposed, presented by the barbarian chiefs, of the reply received from them, and of the departure of their small vessels from the port.

It is further their duty respectfully to present a confidential memorial prepared by them in concert with Tsien Hin-ho, the acting salt-commissioner. Prostrate they pray the sacred glance thereon. To this end they respectfully memorialize.

A reply in the vermilion pencil was received on the 22d of 9e moon 4e year of Hienfung (12 Nov. 1854).

Translated by T. Wade. X.

X. Postscript to the foregoing on the appearance of M. Kleczkowski, and his application for the release of a French missionary. Discussions regarding his reception; and doubts as to his real character.

Supplementary memorial of Tsunglun and his colleagues.

Further; When the barbarian chiefs McLane and Bowring were paying their visit on the 13th inst. (Nov. 3), after they had handed in their papers, [another] barbarian suddenly handed a red visiting-card to your slaves. This was the French assistant envoy Kleczkowski.(1) He understood Chinese and spoke it distinctly. He stated that the envoy of his government had not come himself, but had desired him to accompany the English and Americans to Tientsin, as they were going there for information. What the English and Americans had come to negotiate about, or what modifications of the treaty they desired, he did not precisely understand. He said also that the treaty with his government was made in the 24th year of Tau-kwang (1844), just ten years ago. That his government was acting with the English and Americans, each party aiding the other. Kleczkowski had come with them merely to be able to report on their proceedings, when he returned to the envoy of his goovernment.

In reply to a farther observation that he would come alone on the following day to discuss business with

your

(1) He was present, I believe, as acting Secretary of Legation.

slaves Tsunglun and Wankien promised that he should be received by the general and the intendant;[2] and he withdrew with the rest of the barbarians.

On the 14th your slave Shwang-yui and your servant Tsien Kin-ho, met Kleczkowski in front of the fort, but when they asked him his business, the barbarian refused to tell it. He would say no more than that it was of the most serious importance, and that he could not be more explicit, unless he had an interview with your slave Tsunglun. The right path was again and again set before him, but he persisted in refusing to speak out. So full of cunning schemes is the barbarian character, that it was out of the power of your slaves to say whether this individual was really a Frenchman, or an accomplice [of the others] disguised as one, to serve some new (or ulterior) purpose of treachery. An interview was not to be lightly accorded to him. After a consultation [therefore], your slave Wankien named a day for an interview with him. The barbarian obstinately persisted in refusing to accept the appointment, but of this your slaves took no notice. On the 16th Kleczkowski handed to the marine force in charge of the river, a letter [to the address of your slaves], the sense of which was not very clear, and with it a cover from

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the

(2) M. Kleczkowski did not understand this limitation; when the commissioner did not appear on the following day it was explained that it was because he was unwell.

the plenipotentiary of his government, addressed to the chief Secretaries of State, Yuching and Choh Pinghien. As it would have been improper for your slaves to receive or forward this, they wrote to Kleczkowski, informing him that any business he had to discuss could be explained in an interview with the general and Intendant; if the matter were very important there was no objection to his saying what he had to say in a letter. This reply was sent to him, and the letter he had forwarded returned with it.

On the 20th (Nov. 10th), the barbarian forwarded another letter which proved to be an application for the release of a missionary, he being a French barbarian who had been seized in the district of Chau-chih in Shensi. The rest of it was very outrageous and impertinent.

Your slaves wrote a reply to the barbarian, and have respectfully to submit for the perusal of your Majesty, copies of Kleczkowski's letter and their reply to it.

They have the honor to present this supplementary memorial to your Majesty

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A reply in the vermilion Pencil was received on the 22d day of the 9th moon of the 4th year of Hienfung (Nov. 12th 1854).

Translated by T. Wade

Chinese Secretary

XI. Confidential Circular to the high provincial authorities of Kwangtung and Kiangsu, advising them of the course taken under instruction by Tsunglun. The barbarians, all intent on gain, are easily put off with partial concessions. The provincials are to carry out Tsunglun's policy, and to keep an eye on M. Kleczkowski. Nov. 11th 1854.

Translation

Confidential letter from the members of the Great Council to Yeh, Imperial Commissioner and Governor-general of the Two Kwang; Hiang, Governor-general of the Two Kiang; and Kishanga, governor of Kiangsu.

On the 21st of the 9th moon of the 4th year of Hienfung (11th Nov. 1854), we had the honor to receive the following Imperial Decree:—

"With reference to the memorial of Tsunglun "and his colleagues, reporting that the vessels of the "English and American barbarians have weighed an- "chor and stood out of port. As it is to be presumed that "they will presently set their sails and return south, "We have commanded Tsunglun and his colleagues to "forward an exact account of all the steps taken by "them at Tientsin to the chief provincial authorities "in Kwangtung and Kiangsu. On their coming north on "this occasion, all the barbarians would speak of was the "appointment of a commissioner; they would not declare "for what purpose they had come until Tsunglun and his "colleagues did receive them, and after the right way had again

"and

"and again been set before them; they presented a number of
"requests, more than one of them objectionable by reason
"of their unreasonableness and impertinence. We con-
"fidentially instructed Tsunglun and his colleagues, to
"disapprove and negative the whole of these, but to
"write a reply promising, as it were of their own mo-
"tion, that three of the questions, viz. the misunderstan-
"dings between the people and the barbarians, the
"arrears of duties at Shanghai, and the tea duties
"in Kwangtung, should, notwithstanding, be looked
"into and disposed of. The barbarians, continuing
"mistrustful on the ground that no representation
"had been made to Us, Tsunglun and his colleagues
"undertook to make one for them; [but] desired
"them to return south and abide [the promised]
"inquiry and decision.

"As it was on this reported that the barba-
"rians had weighed anchor, it is to be assumed that
"they have returned southward; and that if they do
"not come to Shanghai, they will go back to Kwangtung;
"their averment that they will return home ~~to~~
"for instructions from their government being noth-
"ing more than another of their fictions.

"Let Yeh Ming-chin, Hiang, and Kirhanga, patrol
"and watch with strictness and secrecy at every port [in
"their jurisdictions], and if the barbarians return with
"fresh demands, inform them that Tsunglun and his
"colleagues have submitted to Us every proposition that

"is

"is at all reasonable; but that the arrears of duties is
"a Shanghai question, the tea duties a Kwangtung
"question, and that the question of misunderstandings
"between the people and barbarians belongs generally
"to all the ports open to trade; that however possi-
"ble it may have been to have representation [on
"these questions] made for them at Tientsin, the
"decision of them there is impossible; and that it
"will of course be their duty, these questions hav-
"ing been committed to them by Our commands,
"to be inquired into at Shanghai and in Kwangtung,
"to dispose of the same with impartiality; that not
"only is the representation to Us of the rest of their
"propositions impossible from Tientsin, but that
"the minister in charge of barbarian affairs dare
"not so forget himself as to bring such requests to
"our notice at all, and that were [any memorialist]
"so rash and unintelligent as to press their cause
"further," (1) he would but subject himself to severe
"punishment, while no advantage would accrue
"to the barbarian trade.

"Gain is all the barbarians study. All
"they are set upon while there hurrying to and
"fro is trade and tariff. (2) A trifle of what they
"apply for under these heads accorded them, and,
"as

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(1) Lit. Made supplementary or continuous declaration.

(2) Lit. Duty business; they want more trade and less duties.

"as a matter of course, they settle down into silence."(1)
"But their proposition to trade up the Yangtsz'-
"kiang, as suggested in the memorial of Tsungluen
"and his colleagues, must be peremptorily negatived.
"Nor must the barbarians be led to suppose that
"that idea was ever communicated to Us, that so
"they may be to a certain extent deprived of any
"plea that they are still looking for decree or sanc-
"tion from Us [on the subject].

"The governors-general and governors con-
"cerned, must, in every case, weigh well all circum-
"stances, and so prosecute inquiry as to insure satis-
"factory decision. Let them lose no time in appri-
"sing Us confidentially of the day on which [the bar-
"barians] arrive at any port, and of the particulars
"of their reception of them.

"As to the appearance at Tientsin of the
"French barbarian Kleczkowski; he made no men-
"tion of trade, but whether he was abstaining from
"the renewal of a discussion in which the English
"and Americans had exhausted all their art; or
"whether it is a fact that he did not come to Tientsin
"for such a purpose; Tsungluen and his colleagues
"will of course have succeeded in making him turn
"south, and the governors-general and governors
"aforesaid will observe his movements from time

"to

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(3) Lit. Subsidingly, or acquiescently, they speak out.

"to time, and devise means of keeping him in hand.

"Let them be supplied with copies of the
"memorial and supplement of this day's date from
"Tsunglun and his colleagues, and of the supplemen-
"tary memorials of Tsunglun and Wankiun of the
"28th of the 8th moon (Oct. 19th), and of the 3rd, 11th and 15th
"of the 9th moon (October 24th Nov. 1st and 5th) in all
"seven papers, together with our confidential decree
"issued to Tsunglun and his colleagues on the 15th of
"the 9th moon, and forward this as a confidential
"decree to each of them for his information, at the
"rate of 600 li a day. Respect this!"

In obedience to His Majesty's will we write

Translated by T. Wade
Chinese Secretary.

XII. Postscript Memorial of the high authorities of Kiangsu, apprising the Court of the intention of the United States' Commissioner, Dr. Parker, to demand a revision of Treaty; and of a like movement threatened by the other Treaty powers. Written early in February, 1856.

[Translation.]

Kiang and Kirhanga on their knees present a memorial.

Farther; On the 27th of the 12th moon of the 5th year of Hienfung (3d Feb. 1856), Lan Wei-san, — provisional Intendant of the Su-Sung-Tai circuit (1), reported to your servant Kirhanga, that the American consul Fish had forwarded a letter from Parker, barbarian chief of that nation, to the address of Kirhanga. It stated that the chief in question, — having received charge of the business of envoy (or commissioner) of his nation, had reached Kwangtung; that he should remain there a few months until a man-of-war steamer of his nation should arrive; he would then proceed to Shanghai to reconsider the Treaty.

A reply was at once written to him to the effect, that the examination and disposal of all — matters whatever connected with the trade of the five

ports

(1) The circuit composed of the prefectures of Suchau, Sungkiang and Tai-tsang, in which Shanghai is situated.

ports belonged properly to the Imperial commissioner, Governor-general of the Two Kwang, on whose functions it was not possible for the government of Kiangsu to encroach; and that it behoved the barbarian to submit his title to [the proposed] negociations to the Governor-general of the Two Kwang for his decision thereon, and not to give himself the unnecessary trouble of going back and forward.

Lan Wei-sau also reports that the English barbarian inspector of customs Li Tai-kwoh (H. N. Lay) had told him personally that every nation would certainly require a revision of its treaty, failing [concession of] which there would probably be trouble; that in Kwangtung the governor-general Yeh had carried his exclusiveness to such a pitch that no envoy of any nation would have further intercourse with him. He, the intendant, had in plain terms declared [such a proposition] utterly objectionable.

Your servants find that when the envoys of the nations concerned passed through Shanghai on their way back from Tientsin in the winter of the 4th year of Hienfung (1854), there was something said about their coming again in the 6th year (1856) to bring the questions under discussion to an issue. The American barbarians now take the initiative; the English barbarians then make

their

their declaration by the mouth of the inspector. - Their words, be it, are respectful and submissive, but their purpose at heart is to constrain by pressure. The whole thing is beyond penetration; and, as the war in Kiangsu is not yet terminated, it becomes the duty [of the memorialist] to request your Majesty to send down instructions to Yeh Ming-chin, governor-general of the Two Kwang, to endeavor to keep them within range; lest, by rushing up north they add to the number of our drawbacks.

Orders have been given to the Intendant of the Su-Sung-Tai circuit to keep them securely in hand, and secretly to take every precaution [against a movement].

It is farther the duty [of the memorialist] to address your Majesty confidentially in this supplementary memorial.

Prostrate they pray your sacred glance and instructions thereon. A respectful memorial.

Translated by Thomas Wade
Chinese Secretary.

Recd 11. Jany. McDermide

Official No. 34

Legation of the United States.
Shanghai, Oct. 22. 1858

Sir,

The current business of the Legation is not important. The consulate at Macao has been vacated by the death of Wm. Rawle, and I have appointed Wm. Gideon Nye, vice-consul till the pleasure of the President be known.

Wm. W. L. G. Smith, the newly appointed Consul at this port, has just arrived and entered on his duties. One of his first acts, rendered necessary by the absence of all means to pay jail expenses — has been to discharge all the American convicts in the British jail. They are now at large, ready for new outrages and new shames to their country and its representatives.

I do not feel at liberty to say another word about the coolie trade to the West Indies. The vice consul at Macao informs me that the Spanish consul there has intimated his determination, under orders from home, to refuse any further attestation of contracts

To the Hon'ble Lewis Cass,
Secretary of State,
Washington

contracts, the government having become alarmed at the increase and isolation of the Chinese in Cuba. He further informs me that on this decision being made known, an individual described as the "Hon. George Lyall, one of the Legislative Council of Hongkong," a large coolie-dealer, and who was sometime since tried for a violation of the Passenger Act, remonstrated, and persuaded the Consul-general to ratify existing contracts. So the matter stands.

I recommend the appointment of consuls with salaries at some of the new ports opened by the Treaties of Tientsin, especially Niu-chwang, Tang-chau and Swatau

Sometime before I left Shanghai, a claim was brought to my attention by the American firm of Augustine Heard & Co. for a return of duties paid by mistake. I examined, and had it brought at once to the attention of the Intendant. It has since been satisfactorily adjusted, and with good feeling on all sides. The correspondence is annexed

I inclose also a copy of a notification I have received of the blockade of the ports of Cochinchina, by a combined French and Spanish force. Little is known or surmised here of

the

the object of this warlike operation

I have the honour to be

Sir

Your obd Servt.

William B. Reed.

Dispatch 34 - Inc 1.
Oct. 22. 1858

Legation of the United States,
Shanghai, Aug. 28. 1858

Sir,

I have examined the papers submitted to me in the matter of the duties paid by Messrs Augustine Heard & Co: on an invoice of land otter skins in March 1857, and now communicate the decision which, in accordance with the suggestion of the Taotai in his letter of the 15th inst. I have made.

I am entirely satisfied that the deduction of Taels 360.2.5. part of the tonnage dues of the "Golden West," was erroneous; and I must not be understood as approving of the course which seems to have been taken by Messrs A. Heard & Co. with reference to the guaranty given on the clearing of the "Channing." If it were necessary to refund that amount paid under this mistake, before correcting the much more serious one as to the otter skins, I should not hesitate to ask you to urge Messrs A. Heard & Co. to return this amount. In the view, however, which I take of the whole case, such a repayment would be a mere form.

With regard to the skins, there can be no question that the duty paid by Messrs A Heard & Co. was paid under a mistake, not of law but

of

Geo. B. Glover, Esq. U. S. Vice Consul.

of fact; and that the difference between the duty chargeable legally, and that which was paid (crediting the government with the tonnage dues allowed the "Golden West") is wrongfully in the local treasury. No time was lost in bringing this clear mistake of fact to the attention of the Taotai; and I direct you to say to him, that in my opinion the claim is perfectly just, and that my Government will insist on its prompt liquidation.

I am, Sir,
Respectfully Your's
William B. Reed

Dispatch 34. Inc 3 2
Oct 22. 1858

Shanghai, Oct. 14. 1858

To His Excellency
William B. Reed,
Minister Plenipotentiary of the United
States to China. &c &c

Sir,

We have much pleasure in being able to inform you that our claim upon the Chinese Government for excess of duties paid by us in error, upon otter skins imported per Steamer "Rajah," has at length been satisfactorily settled.

This claim has been pending since May 1857, and we would express to your Excellency our sincere thanks for your active intervention in the premises, whereby so satisfactory an adjustment has been concluded.

We have the honor to remain,
Your Excellency's most obedient Servants
(Signed) Aug. Heard & Co

2

Dispatch 34 - Enc 2
Oct. 22. 1858

Copy

United States Consulate
Shanghai Sep 20th. 1858.

Gentlemen,

I have the honor to inform you that the case of the otter skins per "Rajah" has been settled by His Excellency the Taoutai, as per extract from a communication on the subject, as follows, "In order to finish up this very disagreeable business, I will agree to Messrs A. Heard & Co. paying one mace five Candareens per skin, on the otter skins, instead of one tael five mace which will make the entire duty on the skins Taels 97. 9. 5"

The oreginal amount paid by you being Taels 97. 9. 5. there is to be deducted from this amount duty as above, say Taels 97. 9. 5. as well as taels 360. 2. 5 tonnage dues of the "Golden West," leaving a balance of taels 521. 3. 0. due you, for which amount I beg to enclose herewith Chop which will be received at the Custom House in payment of duties receipt of which please acknowledge.

I have the honor to be,
Gentlemen,
Your Obedient Servant.
(Signed) Geo. B. Glover.
Acting U. S. Consul.

Messrs. Augustine Heard & Co.

Dépêche 34. Ire 4
Oct 22. 1858

Copie.

Je soussigné C. Amiral, Commandant en chef les Forces Françaises et Espagnoles, chargé de poursuivre près du Roi de Cochinchine les réparations des griefs qui sont dûes aux Gouvernements de France et d'Espagne, et en vertu des Pouvoirs qui m'appartiennent comme Commandant en chef;

Déclare:

A partir du premier Septembre 1858, la Baie et la rivière de Tourane et le port de Cham Callao sont tenus en Etat de Blocus effectif par les Forces navales et militaires placées sous mon Commandement.

Il sera procédé contre tout bâtiment qui essayera de violer le Blocus, conformément aux lois internationales et aux traités en vigueur avec les Puissances neutres.

Baie de Tourane, le 1er Septembre 1858.

signé: C. Rigault de Genouilly

Pour Copie conforme
Macao, le 23 7bre 1858.
Le Secrétaire intérimaire
de la Légation de France en Chine
Kleczkowski

LÉGATION DE FRANCE
A CANTON

Dispatch 34. Sue S
Oct 22. 1858

Légation de France
EN CHINE.

Macao, le 23 Septembre 1858.

R. St. Stephen
Oct 15

Monsieur,

Je viens de recevoir et j'ai l'honneur de transmettre ci-joint à Votre Excellence, en copie, la déclaration de S. E. le C. Amiral Commandant en chef les Forces Françaises et Espagnoles en Cochinchine, relative à l'établissement du Blocus effectif de la Baie et de la Rivière de Tourane, ainsi que du port de Cham Callao.

J'ai l'honneur d'être, Monsieur, avec une haute consideration,

de Votre Excellence
le très humble
et très obeissant Serviteur
A. Bourboulon

Excellence Monsieur W. B. Reed, Ministre Plénipotentiaire
Etats Unis de l'amérique du nord en chine, &c &c &c

Rec'd Jan. Mc Leish

Official
No. 35

Legation of the United States
Shanghai, November 5th 1858

Sir,

Since my last despatch I have had the honour to receive yours (No. 13) of the 17th August, enclosing a communication from the Portuguese Minister at Washington. In accordance with your instructions I have written to his excellency the Governor of Macao, (Enclosure 1a) and hope to confer personally with him on my arrival in the South. It will be very conducive to the general interests, if Treaties can be framed by China with all the commercial Powers, great and small.

The Tariff and Regulations of Trade are not yet completed, but negociations are advancing happily, and I hope by the next mail to forward to you a Supplementary Convention on these Subjects.

The English and French Plenipotentiaries are

To The Honorable
Lewis Cass.
Secretary of State.

are still here, awaiting with me the result of the Tariff consultations. Visits of friendly ceremony have been exchanged between the Chinese High Commissioners and and ourselves, they making the first visits.

I refer you to the accompanying note (Encl^{s} 2nd. 2^{d}) from Lord Elgin in which he announces his intention with the implied consent of the Chinese Imperial Commissioners to ascend the Yang-tsz-Kiang on a sort of exploratory expedition, the object of which he states. He will be —— accompanied by the Retribution and Furious Steam Frigates, the Cruiser Steam Corvette and several gun boats, making quite a formidable force, sufficient to deter any of the lawless bands now infesting the river banks from molesting them. There are those who imagine that as by the English and French treaties the opening of the River ports is contingent on the suppression of the rebellion, a collision will not be avoided, the result of which would of course aid the Imperial cause, and that this probable effect may be in Lord Elgin's view. I do not think this is his object for the simple reason that he says it is not - Until the arrival of the next European mail which will bring despatches from his Government after the receipt of his Treaty, Lord Elgin is unable to take any decisive course as to Canton, and affairs in the South - and the interval may well be spent in the expedition he proposes. It will be very much the same - tho' I hope extended further -

as

as that made by Mr. McLane in 1854. Much valuable information as to the State of things up the River will be obtained.

I have alluded to the implied consent of the Imperial Commissioners to this expedition. I have every reason to think that this consent was not without an equivalent. Lord Elgin has recently several times in conversation told me that his views about a diplomatic residence at Peking were somewhat modified and that he began to doubt, taking into consideration the great agitation of the popular mind at the capital and the actual danger to which the Emperor might be exposed if Ministers, especially with their families took up their abode there, whether the annual, occasional or periodical visit, as stipulated in our treaties was not the best. In other words that without waiving the treaty right, it might be expedient not to press it. He further told me (and in this he was perfectly explicit) that he had told the Imperial Commissioners that without giving up his right or their obligation he was willing to recommend to his Government not to exercise this distasteful right of permanent residence provided the Treaties were in every other respect faithfully complied with. I infer (but I wish you to understand this is mere inference) that this — yielding of a point on Lord Elgin's part was the equivalent or the inducement of the consent to the —

Confidential

expedition

Confidential

expedition up the river. I am much gratified to find that after all, the English Plenipotentiary does not care to ask more than I obtained in terms in our Treaty. For obvious reasons I hope that what I have marked confidential in this despatch will be so considered.

The American commercial House of Russell & Co. have written to me as to the Factory Sites at Canton. The correspondence with them and Lord Elgin on this subject is annexed (Enclosures 3a, 3b, 3c). Should the British Plenipotentiary not reach Hongkong before my departure homeward, I shall leave these questions for the decision of Mr. Williams, whose experience and accurate local knowledge make him more competent to determine such matters than I can pretend to be.

The intelligence from Canton is generally satisfactory. Trade has been partially resumed and the Consul informs me that many of the Missionaries, Americans as well as English, are living within the city walls. In connexion with Canton I ought to mention to you that Mr. Perry having reported to me some not very intelligible irregularity on the part of the English vice Consul, I brought the matter to the attention of Lord Elgin, and now forward his answer to my note (Enclosure 4).

Every day confirms the opinion long ago expressed by me as to the mischief inseparable from irregular Consular action, in applying what is considered energetic

Redress

redress for wrongs - especially in the mode of discharging
Ships ~~on their own motion~~, without paying or at least
Securing the duties. During my predecessor's term of office
there seems to have been a perfect consular mutiny all
along the coast and often an open defiance of his
control - always so far as I can judge properly and
gently applied. The usual course was for a Consul to
disobey orders, take the law into his own hands - and then
when the trouble he had caused, was at its heighth, to
go home without permission to carry back to the United
States his own unworthy complaints, leaving the Consulate
as a Kind of waif, to be taken care of by any fit or unfit
person according to circumstance, that might present himself.
The discharge of Ships by mere consular action without -
Paying duties is always attended with wrong. At Fuh-chau
this was done and tho' it did some good and was not
expressly condemned by either Mr Parker or myself, it
has left bad traces. The correspondence annexed will
show what they are - and the British delinquent ——
merchants have not yet paid their arrears. (Enclosures 5a b c &c)

The Chinese local authorities at this
Port of Shanghai at least have shown themselves open to
the influence of friendly counsel and reason. I have
great pleasure in informing you that the case of a
claim known as that of The Mermaid an American
barque, which arose as far back as 1854, has since the

date

date of my last despatch been settled and the money paid to the claimants. In this case the decisive but respectful language used by the Consul was authorised by me — No unadjusted claim remains at Shanghai. (Enclosures 6a b c d)

The Vice Consul at Macao reports (Enclosure 7) the revival of the Havana coolie trade under new orders from the Spanish Government. M. de Montigny the French Consul at this port informs me of the intention of the French Government to organise an extensive scheme of Chinese emigration to Algiers and the West India Colonies. On this painful subject I have nothing further to say.

Baron Gros returned from Japan on the 25th October, having signed a Treaty with the new Emperor which I infer, corresponds generally if not precisely with those of the other Western Powers. I forward a letter brought to me by Baron Gros from Mr Harris which though meant to be a private one, contains probably the only intelligence, which, for a long time, you will receive from that Country

(Enc. 8) I have the honour to be

Sir

Your obedient servant

William B. Reed.

Index to Dispatch No. 35
Shanghai. November 5. 1858

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Do	W L G Smith	Requests him to ask Taotai to settle "Mermaid" case	16 " "
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L. Heard & Co	Do	Acknowledgment of settlement of Mermaid case	4 " "
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T. Harris	Do	Notice of death of emperor of Japan	17 " "

Disp. 35. Inc. 1
Nov 5. 1858

Legation of the United States,
Shanghai, November 3. 1858

Sir,

I have the honour to inform Your Excellency that by the last mail I received a dispatch from the Secretary of State of the United States, inclosing the copy of a note from H. E. M. de Figaniere e Morao, the Minister of Portugal at Washington, informing the Secretary that His most Faithful Majesty's Government in China desired that its Plenipotentiary in China should be invited to participate in the conferences between the Diplomatic Representatives of the Treaty Powers and the Chinese Authorities: the Secretary of State desires me, as far as I can, to carry out the wishes of the Portuguese Government in this respect.

I beg to assure Your Excellency, that, had these instructions reached me sooner, I should have had much pleasure in having had your assistance in the negociations I have had with the

To His Excellency
Isodoro F Guimaraes
Governor of Macao, &c &c

the Chinese Plenipotentiaries; and, obeying the direc-
tions of my Government, and my personal inclinations,
should have expressed this wish to you. There has
however, been no conference between the Diplomatic
Representatives of the Treaty Powers jointly and
the Chinese authorities. The United States has
negociated throughout separately, as have Great
Britain, France, and Russia.

The negociations are now happily concluded.
I hope to sail hence on the 6th inst. for Hongkong,
where or at Macao I shall be most happy to confer
with your Excellency, and to explain fully what
has been accomplished

I have the honour to be

Sir,

Your Excellency's Most

Obedient Servant

William B. Reed

Desp. 35. Inc 2nd
Nov 5. 1858

Shanghai, November 3. 1858

Sir,

I have the honor to inform Your Excellency that a few days ago I informed the Chinese Imperial Commissioners that it was my intention to proceed up the Yang. tsz kiang without delay, in order that I might be able by personal inspection to judge what ports along its shores it will be most advisable to open in conformity with the Treaty of Tientsin.

Their Excellencies in reply have stated to me that they will prepare letters advising the authorities along the line of my coming, and also that they will send officers to accompany me with letters, and to be of every service to me.

I take the liberty of mentioning these circumstances to Your Excellency, and of adding at the same time that I propose to start at

am

His Excellency the Hon. W B Reed

&c &c &c

an early day

I have the honor to be

Sir,

Your Excellency's

Most Obedient Servant

Elgin & Kincardine

Desp. 35. Inc 2
Nov 5. 1858

Legation of the United States,
Shanghai, November 5. 1858

My Lord

I have the honour to acknowledge your Excellency's note of the 3. inst. informing me of your intention to proceed up the Yangtsz kiang without delay, in order that you may be able by personal inspection to judge what ports along its shores it will be most advisable to open in conformity with your Treaty of Tientsin, and that the Imperial Commissioners had on application from your Excellency consented to your doing so.

I avail myself of this opportunity to say to your Excellency that I only await the completion of the supplementary negociations now in progress here to return to the United States, confiding the Legation to the charge of Mr Williams.

In leaving China I beg to assure your Excellency of my high personal consideration

I have the honor to be,
My Lord,
Your Excy's Obt. Servant
W B Reed

To His Excy
The Earl of Elgin & Kincardine
&c &c

Disp. 35. Inc 3a
Nov 5. 1858

U. S. Legation, Shanghai Sept. 20. 1858

My Lord.

My countrymen who are interested in the trade of Canton, have addressed to me an earnest memorial on the subject of the Factory site, and of the probable relations of the foreign commercial community, the substance of which I think it my duty to bring to Y. E. attention. It is a subject as to which naturally they have much solicitude, and I have great confidence that you will, in the peculiar state of affairs in the South, not lose sight of the interests of citizens of locality Governments, whose representatives are at present properly excluded from direct action of the subject with the local authorities at Canton. Some of the American merchants have rights of property at the old factory site, of which they cannot be divested by any act of the Chinese, or by any arrangement to which the United States is not directly a party. All have entire reliance on Y. E.'s high sense of justice and of the expediency of a liberal policy, & I am confident my countrymen will be gratified by my bringing the subject before you, & frankly stating their views.

The Memorialists represent that they have learned from public sources that Y. E. has given some reason to believe that you mean to obtain reconcessions or new concessions of grounds at Canton for the residence of British subjects, that the Govt will be the lessee of such ground, & will sublet it on terms that will utterly prevent any but British subjects from ever becoming occupants or tenants. That on this plan, as well as to a suitable locality, great diversity of opinion exists, the Memorialists believing, however, that the most influential, as well as a numerical majority, favor the site formerly occupied by foreigners,

To H. E. the Earl of Elgin & Kincardine
H. B. M. High Commissioner
&c &c &c

with

with some extension, & the exclusive tenure of British subjects. To the occupancy of the old site, my countrymen with entire unanimity incline. They think that continuity & stability in business are associated in all men's minds with locality, and to this the Asiatics add some sort of strong but not very intelligible superstitious sentiment. They believe that a removal of the place of commercial dealing with the Chinese from its ancient site will be practically mischievous, & the almost certain embarrassment of mere change cannot be compensated by the speculative attractions of other positions. I have had so few opportunities of personal observation of Canton & its neighborhood since my arrival in China, that I have no judgment of my own on this question of locality, & am content to believe that the merchants, especially when, as in the case of the American community, are unanimous, understand their own interests best.

But the memorialists seem to have very strong views as to the other point of a possible resumption of the old site, & apt of their expulsion under the new tenure which they apprehend. To this they earnestly object, & express the wish that I should bring their objection - stated most respectfully but earnestly - to Y.E.'s attention. As I have said they deny the right of the Chinese to make any new concession which shall interfere with the property they have secured & so long enjoyed under a contract similar to that of the lessee of the British Crown - & in this view of the question I entirely agree.

My observation of this harmonious, self regulating community has strongly impressed me with the opinion that it is better for foreign, especially British & American merchants, to live together. Happy social & perhaps political consequences flow from it. But as the number of my fellow citizens in or near Canton is relatively small, I do not feel at liberty to urge this preference (which I believe is theirs) on Y.E. or to do more than express it.

I have informed the Memorialists that I understood you in conversation to say that any decision which you might make on this subject, would be deferred till your arrival in the South

I have the honor to be,
My Lord, Y. E.'s most Obt Servt
William B Read

Disp. 35. Inc 3
Nov 5. 1858

Hongkong. October 5th. 1858

Sir,

We learn from public sources that it is the intention of the British Minister to obtain re concessions or new concessions of grounds at Canton for the residence of British subjects: that the Government will be the Lessee of such ground and will sublet on terms which will entirely prevent any but British subjects forever from becoming occupants or tenants, or acquiring any interest in that quarter.

The British Merchants of Canton do not agree as to the expediency of this plan, and still less as to the locality which is most desirable; but we think the most influential and a majority incline to the site formerly occupied by foreigners, and seem to expect that Lord Elgin will obtain the concession of the whole of this ground to their exclusive use, with such extensions as may be desired.

We do not believe however that Lord Elgin will think this a just method of proceeding and in accordance with existing rights.

A strong partiality for the ground they have been accustomed to occupy exists on the part of other

His Excellency William B. Reed
American Minister to China

other foreigners as well as of the English and their claims to return to those sites are probably as well founded.

Continuity and stability in business are associated in all men's minds with locality — and to this the Asiatics add, Luck!

In the presence of a people strongly imbued with these notions, it is impossible for foreigners to ignore them with impunity: if other foreigners are to be displaced by the English, it will be an ill omen in the minds of the Chinese — (a conviction which tends to produce the result) — and will be in that respect of no benefit to the English themselves.

But the objections to change rest on stronger grounds, at least upon those to which we have the habit of attaching greater importance — the grounds of previous occupation and acquired rights.

In our own case the right to re-occupy our old site, is better than that of any body else to the same, can be.

We hold a perpetual lease (a hundred year lease) to a block of ground extending from the sea to the front of the old foreign quarter which ground we have occupied for a period of more than thirty years.

Our title to hold and occupy as between the landlord and ourselves, is unquestionable.

At this point the Treaty of Tsinghia comes in

and

and operates a change of jurisdiction_: Chinese laws retire, American laws enter, and we remain under their Government and protection.

This we apprehend was the intention and is the practical effect of the Treaty; and it is the same in spirit if not in form as others, and establishes terms and tenures similar to those held by foreigners_the citizens or subjects of treaty powers, in all the open ports and upon which they have made large investements in buildings and other improvements.

It is not now competent to the Chinese Government to resume jurisdiction over this ground as against us, nor to cede anew to others that which they have already parted with; much less can England come in and operate the same change, but by a violation of political and property rights of the same character and value as those which attach to the grounds held by herself in all the open ports.

We do not imagine that Lord Elgin contemplates a step of this kind, but as it appears to be expected of him, and is freely spoken of, and discussed in this sense in the newspapers, we desire to bring the subject to Your Excellency's notice for such action, if any as you may consider necessary in the negotiations of Shanghae for the

the protection of our interests.

The just and easy method in regard to the old site at Canton would be for the English, if they so choose to re-occupy the ground they formerly held, and extend themselves eastward as far as their necessities require — but at all events to leave other foreigners free to return to their ancient sites and rights, and this we confidently trust will be the result

We have the honor to be
Your Excellency's Obt: Servants
(signed) Russell & Co

Disp. 35. Inc. 3.
Nov. 5. 1858

Shanghai, October 26. 1858

Sir.

I have had the honor to receive Your Excellency's letter of the 20th inst. and beg to assure you that I shall not fail to weigh well what you have urged in favor of the old Factory site, and of its joint occupation, before making choice of a locality for the British community at Canton. Meanwhile the opinions of persons interested in the selection of a site are so divided, and the difficulties which the subject involves so considerable, that I am disposed to defer a final decision until I shall have revisited Hongkong, where I trust I may have the advantage of meeting your Excellency

I have the honor to be

Sir,

Your Excellency's

Most Obedient

Humble Servant

Elgin & Kincardine

His Excellency

The Hon. W B Reed

U. S. Minister &c &c

Disp 35. Inc 4
Nov 5. 1858

Shanghae. October 18. 1858

Sir,

I have read with much regret the statements contained in the enclosure to your Excellency's letter of this day's date and I shall lose no time in making enquiry into the irregularities which are said to have taken place at Macao

I have the honor to be
Sir your Excellency's
Most obedient, humble Svt
Elgin & Kincardine.

His Excellency
The Hon.
W. B. Reed
&c &c &c

Disp. 35. Inc: 5a
Nov 5. 1858

Consulate of the United States
Foo-chow 1st Oct. 1858

Sir,

My last communication was dated Aug 6th. and since that date I have received nothing from the Legation.

With regard to the "duty-question," I feel it my duty to express my conviction, that, no measures that can be put in force here, by either H.B.M's Consul or myself will compell the parties indebted, to pay these just obligations. Unless H. E. Sir John Bowring will seriously entertain the matter, and direct H.B.M's Consul at this Port to assume some decided action in the premises, the question will remain in its present position forever. The Chinese Authorities rarely allude to the back duties but I am aware that the present position of affairs is a source of great dis-satisfaction to those firms who have discharged their duty obligations. I entertain the hope that I shall have the pleasure of meeting you before your departure from China; but should such not prove to be the case, I trust that you will be able through your Official intercourse with Sir John Bowring, to bring this

Hon: Wm: B. Reed
U. S. Commissioner &c &c &c

this unfortunate affair to a termination that will be satisfactory to all parties. The firms still indebted for duties upon shipments by American vessels are, Messrs Blenkin, Rawson & Co, Messrs William H. Wardley & Co, and Messrs Holliday, Wise & Co

I enclose an abstract of the Returns from this Consulate for the quarter ending 30th Sept 1858.

I remain very Respectfully

Your obdt servt

(Signed) Thos: Dunn

U. S. Consul

Disp. 35. Inc. 5
Nov 5. 1858

Consulate of the United States
Foo-Chow 16th Oct. 1858

Sir,

Referring to your despatch of the 26th July 1858, I have to request you to inform me if I am at liberty to arrange with the local authorities in reference to the application of Tonnage dues to the improvements of navigation in the River "Min"?

When I consider the limited revenue of this Port (limited as compared with the sum necessary to support the extravagance of its officials and to sustain a corrupt Government), I am convinced that any proposition that involves a curtailing of the Tonnage dues, will meet with strong opposition from the local authorities.

Should you direct me to effect any arrangement in reference to the improvements of navigation here, I trust that you will give me explicit directions as to how far I may go, in coercing the authorities to the surrender of the Tonnage dues to such a purpose; and if failing to induce them by persuasion to comply with my request, whether I shall withhold the Tonnage dues due on American vessels

I have the honor to be &c &c

Hon W. B. Reed
U. S. Commissioner
&c &c &c

(signed) Thos: Dunn
U. S. V. Consul

Disp. 35. Inc 5
Nov 5. 1858

United States Legation to China
Shanghae. Oct 29. 1858

Sir,

I have this morning received your No 11. dated 16th Oct. It is by the Treaty of Tientsin, not yet ratified by the President of the United States by and with the consent of the Senate, that the Tonnage duties are reduced one mace, and the provision is made for conference with the local authorities as to harbor improvements. All action therefore at present would be premature, and I should especially regret any retention of the duties at this moment.

I shall be glad to have from you, as soon as possible, directed to me at Hongkong, a brief and precise Report on the state and processes of the Opium trade at Fuhchau.

I am very respy Yrs
(signed) William B. Reed

Thomas Dunn Esq
U. S. Vice Consul
Fuh-Chau

Disp. 35. Rec'd Nov 5. 1858

Legation of the United States
Shanghae. Oct 23. 1858

Sir,

I yesterday had the pleasure of receiving your No 10, of the 1st of October. By the mail of this morning, I have written earnestly to Sir John Bowring on the subject to which it mainly refers.

I fear that I shall be deprived of the pleasure of visiting Foochaw and of making your acquaintance personally before I leave China. The President has given me leave to return to the United States, and it is my intention to sail hence in the course of the next ten days and from Hongkong on or about the 1st of December.

In the course of the negociations at Tientsin I made an arrangement or convention with the Imperial commissioners by which they agreed that on the resumption of business at Canton, one fifth of the duties (import, export and tonnage) on all American ships and cargoes at Canton, Foochaw, and Shanghae was to be applied to the liquidation of certain claims of American

Thomas Dunn Esq
United States Vice Consul
Foochaw

American citizens. A mode of ascertaining the precise amount was agreed to and the Maximum fixed at 600: 000 Taels.

I have always taken for granted that when the time of payment comes, there will be all sorts of attempts at evasion, and that the only practicable mode of adjustment will be the retention by the Consuls of duties pro-tanto and a discharge of American ships. Of course you will receive specific directions from this Legation and I only refer to it confidentially now as a matter of intelligence and to indicate in advance the mode of action which I anticipate. It must be firmly applied and adhered to.

On my departure Mr Williams will act as Chargé d'Affaires.

I beg to express to you my very high sense of the manner in which you discharge the duties of your office - and the great pleasure I have had in our official intercourse.

I have the honour to be

sir,

Your obedient servant

(signed) William B. Reed

Dispatch 35. Inc. 5
Nov. 5. 1858

Legation of the United States
Shanghae. October 22. 1858

Sir,

I have the honour to forward to Your Excellency a letter received by me this morning from the United States Consulate at Fuhchau which seems to require your prompt intervention. I hope your Excellency will agree with me that it is a case for interposition. All the American arrears are paid.

I avail myself of this opportunity to say to you that it is my intention to sail for Hong-kong within the next ten days on my way to the United States. I am detained here only by the discussion of the Revised Tariff which is nearly completed.

I have the honour to be
Sir,
Your Excellency's
obedient servant
(signed) William B. Reed

To H. E.
Sir John Bowring L. L. D.
H. M's Plenipotentiary and Superintendant of trade
HongKong

Disp. 35 - Inc. 6a
Nov. 5. 1858

Legation of the United States
Shanghai, October 16. 1858

Sir,

I beg to refer you to the words of the Consulate for the facts and papers connected with the claim of Messrs Heard & Co. on the Chinese Government for damages done to an American vessel called the "Mermaid" in 1854. You will find the latest correspondence with the Taotai during the incumbency of your predecessor in March 1857. It is my wish to have the matter, already too long delayed, disposed of before I leave Shanghai, and I desire you at once to address the Taotai on the subject, and say to him that I have fully examined the case, and am so satisfied of its justice that I cannot consent to any rediscussion of it. I desire his order for the immediate repayment of the money with interest from the 27th of March 1854, the date of the award, or a permission to Messrs Heard & Co. to retain the amount out of the duties of the first ship cleared by them.

This case being disposed of, there will be no one left of unredressed wrong at the port of Shanghai.

I am very respectfully, Your
William B. Reed

W. L. Smith Esq
U. S. Consul.

Disp 35. Dec 6th
Nov 5th 1858

U. S. Consulate,
Shanghai, Nov 4. 1858

His Excellency William B. Reed.
U. S. Minister. &c &c

Sir,

I have the honor to advise you that the Taotai of this city has settled and paid three thousand taels in acquittance and satisfaction of the claims of Messrs Augustine Heard & Co upon the Chinese Government for damages to the vessel called the Mermaid I have paid the said three thousand taels to Messrs. Augustine Heard & Co. and hold their receipt as my voucher therefor

I have the honor, Sir,
to be very respectfully,
Your Obt Servt.
W L G Smith
U. S. Consul

Disp. 35. Inc. 6
Nov 5. 1858

Shanghai, 4th November 1858

His Excellency William B Reed
Minister Plenipotentiary of the
United States in China. &c
Shanghai

Sir,

It is with much pleasure that we inform your Excellency of our having received from the Chinese Government the sum of three thousand taels in full for liquidation of our claim for damages sustained by the American barque "Mermaid" at this port in 1854; and we would express to you our best thanks for the personal trouble and interest you have taken in the premises, whereby this long protracted matter has been brought to a satisfactory termination.

We have the honor to remain
Sir, Your most Obt. Servants
Augustine Heard & Co.

Disp 35. Inc 6d
Nov 5. 1858.

Legation of the United States,
Shanghai, Nov. 5. 1858

Sir,

I am in receipt of your letter informing me of the settlement of the long deferred claim of Messrs Augustine Heard & Co. for damages done to the American bark "Mermaid."

I beg you at once to communicate to the Intendant my earnest acknowledgment of the friendly feeling which has led to this adjustment. It is a new proof of the just and liberal policy to citizens of the United States which has characterized his official conduct

I have the honor to be
Sir,
Your Obedient Servant
William B Reed

N. L. G. Smith Esq
Consul of the United States
Shanghai

Disp. 35. Inc. 1
Nov 5. 1858

Consulate of the United States.
Macao. 29th September. 1858.

Sir,

In reference to my despatches of the 13th and 16th instant respectively, I have now the honour to acquaint your Excellency with a complete reversal of the policy of the Spanish authorities in respect to the matter therein treated of - the last Mail having brought a despatch to the Consul General of Spain rescinding the former order for the suppression or stoppage of Coolie shipments to the Island of Cuba. As my information was the last as well as the former despatch, there can be no doubt of the existence of orders which seem so contradictory. The Coolie question therefore enters upon a new phase in respect to Cuba, and it remains for me to await further developments in absence of your instructions

I am Sir

Your

Obt Svt

Gideon Nye Jr

Deputy Consul

J. M. P.

W. B. Reed

Your

Obt Svt

Shephea

Disp 35.—Inc. 8
Nov 5. 1858

United States Consulate
General at Simoda, Sept. 17. 1858

My dear Sir,

I am in receipt of your favor of 4th inst. which was handed to me by Baron Gros. Only ten days had elapsed from the departure of the Powhatan for Shanghai, when Lord Elgin left Simoda for Yedo. Nothing had occurred in that interval worthy of note. Lord Elgin left Yedo on the 27th of August, but he did not touch here. Count Poutiatine also left Japan without touching here.

A change of ministry occurred here on the 3d of August. The Prince of Bitsu, chief of the Council of State and Minister for foreign affairs, and one other member of the Council of State, were displaced, and were succeeded by persons who uphold the old traditions of Japan, and who are opposed to any changes of their policy.

It is said that the fall of the Ministers was owing to the signing of the Treaty made with me. For some days it was very probable that the Prince

of

To H. E. W. B. Reed
U. S. Commissioner to China, &c &c

of Bitsu, the Commissioner who negociated the Treaty with me, together with the interpreters, would all have to perform the harakiri; but the arrival of Lord Elgin satisfied them that what I had told the government was true, and that the ministers had acted properly in signing their treaty with me.

There is no doubt that the Taigoun died about the time that the excitement growing out of the foregoing was at its height in Yedo. His death is kept naibon, as they term it, i.e. every one knows he is dead but no one dares say so. The object of the Government is doubtless to get through with all the treaties and then make pro. per arraingements for the formal mourning.

The late taigoun was afflicted with epilepsy, and it may will be that the great excitement that arose in Yedo on signing the American Treaty may have produced a fit so violent as to cause his death. He was about 35 years old, his successor is only 13.

I am unwilling to relinquish the hope of seeing you at Simoda before you leave Japan.

I am very sincerely Your's

Townsend Harris

P.S. Since writing the foregoing, I have received an official notification of the death of Taigoun.



Rec'd. Feb.

Official no. 36.

Legation of the United States
Shanghai November 9th 1858

Sir,

I forward for the consideration and approval of the President two Supplementary Conventions which I have signed with the Chinese Imperial Commissioners. In the signature of these Treaties there were associated with Kweiliang and Huashana, the Plenipotentiaries at Tien-tsin on the part of the Empire, Ho Kwei-tsing Governor General of the two Kiang provinces, Mingshen President of the Ordnance Office and Twan, an Under Secretary, all specially deputed as Imperial Commissioners.

The Treaties are two-fold - one purely commercial embodying a Revised Tariff and new Regulations of Trade and Transit - the other finally adjusting the indemnities due to our citizens. I confine this despatch to the Commercial Treaty.

As I informed you before my departure for Japan the details of the new Tariff had been referred to commissioners or deputies appointed to confer with the local Revenue officers -

with

To The Honorable
Lewis Cass
Secretary of State

With the exception of the leading articles of Tea, Silk and Opium, which were not to be considered by them, our Representatives had little difficulty in coming to a satisfactory result, by which a general reduction of Import and Export duties was to be effected and yet a due regard shown to the interests of the Chinese Government. Indeed such discriminations were soon suggested as, according to the best estimates will increase its revenue. In these preliminary conferences I was represented by Mr. Williams and Lord Elgin by Mr Wade, men of experience and sound judgment and entirely beyond & above the prevalent influence here by — which every thing is thought right which is determined — adversely to the Chinese.

I took the precaution several months ago to address a circular to all the accredited American mercantile houses in China asking for information and suggestions as to changes in the Tariff. The answers generally concurred in the opinion that the Tariff of 1844 was a fair one and that little modification was needed.

During my sojourn for more than two months at Shanghai, my attention was specially directed to the subject of the two great Staples of China, Tea and Silk, on which as you are aware, there is an export duty - and of Opium which forms a large element - indeed a controlling one of the import trade. I invited information on these points, taking care not to direct my enquiries to any one class, but endeavouring to ascertain the candid and if possible

disinterested

disinterested opinion of all Officials, merchants and Missionaries. Especially was this important in relation to Opium. The result was less diversity of opinion than could have been expected — On one point there was no dissent - that any system would be better than that which now exists. When I say no dissent, I perhaps ought to be understood as saying no audible dissent for it is perfectly well known here that those especially among the English and Parsees whose machinery of smuggling is elaborate and complete, wish no change, being content with their monopoly of profitable and indecent violation of law. To defy or corrupt the Chinese Officials is with them a normal State - and the transition to obedience to law is a painful process. Amongst all others the accord of opinion was remarkable. I called upon the Vice Consuls at Shanghai and Fuh chau for reports on the actual State of the trade - and I now forward the one which I have received (Inclosure 1ª). Coincidently with this I received from a leading American merchant in China — connected with the well known house of Russell & Co. a — communication on the same subject which I also beg to — forward (Inclosure 1ᵉ) with the expression of my slowly formed but fixed opinion that it is the simple truth to say "that to neglect this topic is merely to postpone to some future day a subject whose difficulties are ever multiplying and to maintain meanwhile an irregular traffic practically — irrepressible, yet forbidden by law, tolerated and encouraged by the Government, bound to prevent it and hurtful to those who

conduct

conduct it, if not to the Chinese people." Such is the testimony of the American merchant. In a letter published within a few days by an eminent Missionary he says "Some of the most intelligent and zealous Missionaries labouring for the welfare of the Chinese, wearied and perplexed by the view of the sad collateral effects of a smuggling system almost virtually — legalized by the indifference or corruption of the local Mandarins, have deemed it expedient to succumb to an unavoidable evil, and to limit and check by the regulation of a legalised custom house tariff the spread of a moral mischief now utterly beyond control." In this view, according to my observation, most honest men concur, that nominal prohibition is in point of fact encouragement, and that the only remaining chance of restraint is making the trade dutiable and placing it under direct Custom House control.

The result of the closest meditation on this subject as well as that of the Tea and Silk duties was that I should communicate frankly with the English Plenipotentiary, and as the initiative as well as the ultimate responsibility was with him, for I could easily content myself with the existing tariff, bring them distinctly to his notice, suggesting an alternative course for his adoption, and assuring him of my readiness to acquiesce in any fair adjustment which the Chinese, without any compulsion or fear, might agree to. I have the honour to enclose the correspondence which passed between us, and beg to direct your attention to my letter of-

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the 13th September (Inclosures 1b, 1c, 1d, 1e,) as the fullest exposition of my views on this subject.

It was not until my return from Japan that I received Lord Elgin's answer - and then it was as I have stated in a former despatch, that the conferences of the subordinate agents being renewed, I was desired by the Imperial Commissioners to join in them. This I declined, (aside from considerations of delay and inconvenience) for the stronger reason that I did not wish that any Representative of the United States should appear to the Chinese to have any agency or appear to have any desire, in inducing them to relax their laws of contraband. I thought that Great Britain and China were the parties to settle this difficulty, and that the most which could be expected from me was to be silent and act in entire good faith to Lord Elgin and the Chinese themselves.

The result has been that, in the British Tariff, the Chinese have, of their own accord, agreed to make Opium dutiable or rather to transfer its duties from the local to the Imperial Treasury. It now pays to the local or provincial Mandarins Twenty four Taels or about $35 per chest - a chest varying from 105 to 160 catties. Under the new system it will pay Thirty Taels or $44 per pecul or 100 catties. Besides you will observe that unlike other articles of import which can be carried any where in the interior by foreigners at a transit duty not exceeding one half the impost, Opium is expressly made subject to any transit duty however

onerous

onerous which the local authorities may choose to impose and can only be taken into the interior by the Chinese themselves.

Such is the solution of this chronic difficulty which Lord Elgin has been able to effect. I have no reason to think that any compulsion was exercised or hinted at. He has to me expressly disavowed it. This has been accomplished by no agency of mine. In agreeing to it in a Tariff made in this respect by others, I have recognised an existing State of things which I could not modify. My disagreeing to it would not have arrested American participation in the trade, for under the most favoured clause in our treaty, the American merchant would avail himself of the British Tariff and would care very little whether our Treaty was silent or not about it. I trust the President will approve of the course I have taken which I am satisfied is the only manly and Statesmanlike one I could pursue, assuming, what cannot be seriously questioned, that an uniform tariff for the Treaty Powers is desirable.

I am more and more impressed every hour, by the identity or rather community of the commercial interests of the West, and that nothing is more likely to defeat the true aims of American Statesmanship here than a distempered jealousy of English or French progress. Seeing as I do in the ports and markets of China whenever English enterprise goes, ours is quickly alongside of it - that every dollar Great Britain spends on its postal service or in maintaining its naval force is for our benefit - that for the material of every yard of cotton goods she circulates in this Empire her manufacturers must look to the United States and buy from us and that were in

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the manufactured goods we compete fairly with her and produce fabrics which I have seen piled up and are readily sold in the shops of Tien-tsin and are carried by junks into all the inlets of Pechili and Liaotung. It is under these convictions that I have endeavoured to conduct throughout the negociations - especially the commercial ones confided to me.

In urging a reduction of the export duty on Tea, I confess I never was confident of success. The other duties tho' specific are founded on an approximation to a Five per cent ad valorem (the rate contemplated by the former Treaties) and revised now only because there has been a fall in values generally. This is not the case with Tea - the price as I am informed, having varied little in a series of fifteen years - Hence there is some reason for its being excepted. Besides it must be remembered that before the Tariffs of 1842, 44, the export duty on Tea was from seven to ten Taels per picul - or seven and eleven cents of our currency a pound. It is now 2 Taels 5 mace per picul or about 2½ cents per lb - certainly not unreasonable, at least by contrast with the British import duty of 15 d. Sterling. There was another difficulty which especially embarassed the European negociators in any attempt to reduce the export duty on Tea. If five per cent ad valorem on teas would have worked a Reduction, five per cent ad valorem on silks would have been a large increase, and to that the French never would consent.

But that which apart from these considerations reconciled me to the existing duties on Tea and Silk, was the

Reduction

reduction of the transit duties. If this be effected - or even partial success attend the experiment and internal transit taxes be reduced from a hundred per cent as they often are to half the export duty or 1 Tael 5 mace 5 candareens (£2 5s/100) no one need complain of the export duty. Opinion is very much divided here as to whether a system so inveterate and under Chinese institutions so essential as Transit taxes can be abandoned or overthrown by such an expression of Imperial will as a Treaty contains. They are sometimes no doubt arbitrarily imposed. But according to the Chinese system every provincial government levies taxes as it pleases to defray its own expenses. It has its treasury, custom house and local administration, and an interior province such as Hupeh or Kiangsi regards country produce or imported goods passing out or in its borders very much as the seaboard governments regard them when landed or exported, and levies its duties accordingly. What may be termed the nationality of China in these respects is singularly feeble. All this local revenue system is to be at once broken up - and the whole transit duty though by different modes is to be collected and paid at the ports. This seems to me, if practicable, to be one of the most important features in the new Treaties. If it succeeds tranquilly no one can estimate its beneficial influence on trade. I am hopeful but not sanguine. It will require for a time at least the invariable employment of foreign agents, and thus may endanger friendly political relations. It

imposes

imposes most serious responsibility on consular and diplomatic representatives in providing for these dangers.

How important the success of this reduction of Transit dues will be may be understood when it is recollected that owing to their recent augmentation - and not at all to the value at the point of production, the price of teas at this port has in the last half year risen ten per cent above the averages of the preceding three years or from 21 Taels 5 mace per Picul to 32 Taels.

With regard to the Tariff generally I content myself with calling your attention to the fact that on the kind of cotton goods which forms the bulk of American imports the duty is unaltered for pieces of forty yards while it is reduced on pieces of 30 yards: and this too when had a general five per cent ad valorem been insisted on by the Chinese, owing to the rise of value in our manufactures the duty would have been increased. This is one of the advantages from the American treaty of Tien tsin being signed first. It enabled me to make my terms on the Tariff. The revision is entirely satisfactory to our countrymen in China. They are confident there will be a large though gradual increase in the consumption of our heavy cotton fabrics especially in the Northern provinces and along the rivers now directly opened to commerce. At the new port of Niu-chwang in the Northern part of the Gulf of Pechili, if it be an available port of which there are some doubts, the demand for the

heavy.

heavy American cotton fabrics ought to be large.

The Regulations of Trade appended to the Tariff have been prepared with much care and have my entire approval. A portion of them has reference to the continuance and extension of what is known in China as the "Foreign Inspectorate of Shanghai". It was originally instituted at the instance of most of the American and English merchants with the approval of my predecessor Mr. McLane, Sir John Bowring and M. de Bourboulon, the original design being that the Intendant at Shanghai, should appoint individuals on the recommendation of the Consuls of the Treaty Powers to act as Inspectors of Customs. Although there was a temporary necessity for some measures to regularise the Revenue at this new and important port, in creating it there was clearly an oversight of the principle which forbids the United States from aiding in the collection or administration of the Chinese revenue through officers in any way acting under its authority. For a long time the oath of the 'American Inspector' was taken before the United States Consul and filed among his archives as if he were an American officer. The first inspector was named by Mr. McLane or by the Consul at Mr McLane's instance. The next and present inspector was named by Consul Murphy, and when on a supposed vacancy Doctor Parker recommended or nominated one, the Intendant

informed

informed him he could not accept his nominee, because he had promised Mr. Murphy to keep the post open till a proper person could be sent by Mr Murphy from America whither he had gone. All this was clearly wrong and since the Act of 18th August 1856 (Section 19) expressly illegal. One of my first acts on coming to China was, (and this too — without personal disparagement) to refuse to have any — official correspondence with one who styled himself American Foreign inspector. I have pursued this course throughout.

In the course of a year or less the merchants, who had under some temporary exigency urged this scheme on Mr. McLane, became dissatisfied. Those only who are familiar with the eccentricities of commercial reasoning, can explain the process which led the same individuals, who, in 1854 had earnestly recommended the plan, in 1855 to urge Mr. Parkes to abrogate it. On reaching China I was greeted with urgency to the same end and I have had the greatest difficulty in persuading the gentlemen who complain of this Inspectorate, that disavowing it altogether and having no official relation to it, I had no power whatever to modify or abolish it.

But I was not the less bound to enquire into the justice of these complaints so that in any revision of the Regulations of Trade, I might persuade the Chinese to reform or abolish the Inspectorate. I have done so with entire fairness, and I am bound to say that the trust

delegated

delegated to these gentlemen has been honestly administered, that they have guarded the Chinese Revenue most conscientiously, that they have been an obstacle to all sorts of high handed and irregular action, and that no single well founded complaint against them exists. This is the practical judgment I have formed and I believe it to be that of every disinterested man in China.

When therefore the Regulations of Trade agreed to by Great Britain and China were presented to me, I was conscious of my ability to judge fairly the plan suggested by which an uniform system of Revenue administration should be extended to all the ports, and the right of the Chinese — recognised - perhaps sanctioned - to employ citizens of the United States in their service with a distinct disavowal of any agency, direct or indirect of the Government or its officers, Consular or diplomatic. Lord Elgin was as anxious as I was to express this clearly - but he was earnest in the opinion that a foreign element was essential. This being the case if in the English Treaty there was a clause that the Chinese might employ an Englishman as Inspector - and I had stricken out such a provision for the American the conclusion would be inevitable that it was to be altogether English, or English and French and that Americans were to be excluded. This of course no one would desire unless he is prepared to concede an English and French Commercial protectorate on this coast. On full and careful consideration I embodied the

Regulation

Regulation in the Treaty which I have signed.

The only other Regulation which needs any explanation is that which prohibits the access of foreigners to the capital city of Peking for the purposes of trade. When our negociations were in progress at Tien Tsin as to the visit and sojourn of an American Minister at the capital, the Chinese desired to insert a provision that his residence should be designated and provided by them, in other words as was quite apparent to Mr Williams and others familiar with Chinese usages, that we should be received on the same footing as the Siamese Annamese, and other tributaries whose representatives are compelled to reside in a certain quarter or place provided for them but who, when at the capital have the right to trade. This was at once refused and the Chinese Commissioners were told that the American Minister, if he came to the capital, would submit to no such restriction and of course claimed no such privilege. They at once yielded, admitted that the United States were not in any way to be considered as a tributary, but expressed a strong desire for the insertion of a clause (which implied no disparagement) by which every one accompanying the Minister should disclaim any design of trading. This is the history of the provision as it stands in the Treaty of Tien Tsin.

Lord Elgin informed me that on his arrival at Shanghai, the Imperial Commissioners expressed so strong an apprehension of the effect on the Government and the

People

people of the resort of foreigners to Peking for purposes of general trade that he did not feel at liberty to withhold his assent to a new restriction, especially as such a thing as trade at Peking can scarcely be considered important by any one. I had as little difficulty in agreeing to it.

The other Regulations as to Free and —— prohibited goods and the mode in which copper coin and grain are to be carried coastwise explain themselves. Much importance is attached to them by the Chinese. In the 10th Regulation you will observe something very like a —— Stipulation that the Tonnage dues or a portion of them shall be applied to the maintenance of beacons and buoys, and the improvement of harbours.

The whole correspondence connected with the Tariff as well as a very interesting communication addressed to me by the Imperial Commissioners on commercial relations generally and my answer are annexed (Inclos. 2a–d)

I trust that this new arrangement of duties and regulations of trade will conduce to the interests of both nations.

I have the honour to be
Sir,
Your obedient Servant.
William. B. Reed.

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Shanghai, November 9th 1858.

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Dispatch 36 Inc 1
Nov 6. 1858

Legation of the United States
Shanghai August 9. 1858

Sir,

I desire you to make me at your earliest convenience an official report on the subject of the importation of Opium into the Port of Shanghai especially with reference to the following points?

1. What amount of Opium was received at Shanghai and Woosung for the first six months of the year 1858 and how much was imported in American Ships, specifying each and the owners Or on American account?

2. If you are able to furnish me the above information a any part of it, I wish you to specify its Sources and whether the same be official or not?

3. If you are unable to furnish this information, then I will thank you to inform me what is the reason of such inability, and why, if the fact be so, the same detailed information cannot be procured with reference to Opium, as with reference to any other imported article?

4. Whether it forms any part of the duties of "The Office of the Maritime Customs" Known as the Foreign Inspectorate

to

H. B. Hoven Esq.
U. S. Vice. Consul. Shanghai

to supervise or take cognisance in any way of the import of Opium at Woosung or at Shanghai, or whether this subject is expressly excluded from their supervision and if so, why?

5. Are there any statistical returns of the Opium trade made or on file in the office of maritime customs?

6. Is the anchorage at Woosung under the jurisdiction so far as Custom regulations are involved of the office of Maritime Customs?

7. Can a vessel loaded with American or European goods paying duties be discharged without a permit at Woosung or any where in its neighbourhood?

8. What difference in this respect is there between the discharge of a vessel laden with Opium and one laden with cotton or other goods of that description?

9. Is there a duty levied by Chinese Authority on Opium at Woosung or Shanghai - what is its amount? what express authority is there for it and who collects it?

10. Are the officers of the Maritime Customs under any responsibility in the way of official oath or bond to the Chinese government or its officers - and if so what are its terms?

11. Are returns of the import of Opium received by or made to any of the Consular officers of the Treaty Powers at Shanghai?

12. Are there any vessels carrying the American flag engaged in the impot of Opium into Shanghai or Woosung, and if so, furnish me with their names and owners?

13. If there are such vessels be good enough to say to me whether in this case the provisions of the 10th Article of the Treaty of Wanghia are complied with requiring the deposit, with you of the ships papers including the manifest of her cargo within 48 hours after she shall have cast anchor?

14. Are the 48 hours computed from the time of her casting anchor at Woosung or from the time of her casting ancha at Shanghai and if the latter does cargo discharge?

15. Are the papers of any American vessels now in your hands as consul which you have reason to believe are the papers of vessels engaged in the opium trade or vessels really owned by other than Americans. If there be any such papers in your hands be so good as to report them to me."

I have the honour to be

Sir,

Your obed^{t} Servt

(Signed) William D. Reed

Dispatch 36 - Inc. 1
Nov 6. 1858

No 6

United States Consulate
Shanghai. August 31st 1858

Sir,

I have the honor to acknowledge receipt of your communication of the 9th inst, requesting information regarding the importation of Opium into the port of Shanghae, in reply to which I beg to call your attention to the following answers. viz:

Answer to Question 1st. I am unable to inform you what amount of opium was received at Shanghae and Woosung for the first six months of the year 1858. I am also unable to inform you the amount imported in American ships or on whose account Opium is imported.

Answer to Question 2nd. I am not able to furnish you with the required information

Answer to Question 3rd. The reason of my inability to furnish you with the information is, that the Custom House has no record of the amount of opium received at Woosung or Shanghae. — The Opium receiving ships at Woosung issue a circular to those interested in the Opium trade, giving amount of imports and exports and stock on hand, but I have not a copy of one of these.

Answer

His Excellency The Honble W. B. Reed
Minister Plenipotentiary to China

Answer to Question 4th. Opium is not reported at the custom house, while all other articles of import are reported. The Maritime Inspectors inform me that they have never been instructed to take cognisance of the Opium trade, and that an entire silence has always prevailed between the Chinese authorities and the Maritime Inspectors, respecting the trade of opium, the reason of this is not stated.

Answer to Question 5. There are no statistical returns of the Opium trade made or on file in the office of the Maritime Customs.

Answer to Question 6th. The anchorage at Woosung is under the jurisdiction so far as the Custom regulations are involved, of the Office of the Maritime Customs.

Answer to Question 7th. A vessel loaded with American or European goods paying duties, cannot be discharged without a permit at Woosung or any where in its neighborhood. The Custom House does not keep a regular force at Woosung, but occasionally the Chinese authorities send to Woosung Chinese watchmen to report if any smuggling is going on.

Answer to Question 8th. Opium is never taken cognisance of by any person that the Maritime Inspectors or the Chinese authorities may have at Woosung, and it is never reported at the Custom House

that

that Opium is landed at Woosung.
Answer to Question 9. I am told by the Chinese dealers in Opium that there is a duty of twenty four taels a chest collected by Mandarin boats (expressly appointed by a board of Chinese Merchants at Shanghae for such purpose) from the buyer of the opium immediately on the delivery of the Opium by the Receiving ship at Woosung. The authority is supposed to come from the Commissary at Soo-Chow, who expends the same in purchasing munitions of war to destroy the rebels. The amount of duty so collected for the last six months is reported to be near $760 000. There are twelve Chinese boats cruising between Shanghai and Woosung carrying a flag bearing the following characters 義捐公局 which being translated mean "public committee for patriotic collections". Their province is to examine if any Chinese Junks are smuggling opium.

Answer to Question 10. The Officers of the Maritime Customs are not under bond to the Chinese Officers or to the Chinese Government; the custom is for each inspector to take an oath before his respective Consul in Chinese copy of which oath I enclose herewith.

Answer to Question 11. There are no returns made to any of the Consular Officers of the Treaty Powers by

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Maritime
the Inspectors of the import of Opium at Shanghae.

Answer to Question 12. The steamers "Yangtse" and "Antelope" carrying the American flag are both said to have been engaged in bringing Opium to Woosung. The steamer "Yangtse" at present stands in the name of Thomas Dearborn. The steamer "Antelope" the last time here register was in the Consulate was in the name of R. B. Forbes.

Answer to Question 13. These steamers always deposit their papers at the Consulate within 48 hours after their arrival at Shanghae, and report being in ballast; as no oath is taken regarding the manifest and as there is a regular Custom House Inspector who boards these vessels on their arrival at Shanghae, to examine if they have any contraband goods, they do not deposit a manifest, although when they bring cargo, such as rice, specie, or any other articles, a manifest is produced.

Answer to Question 14th. The forty eight hours are computed from the time of vessels casting anchor at Shanghae.

Answer to Question 15th. The papers of the American Steam ship "Yangtse" are now in my hands, I have mentioned before that I have reason to believe she is engaged in the transportation of opium.

I have the honor to &c

(Signed) George B. Glover

U. S. Vice Consul Shanghai

Dispatch 36 - Inc 1
Nov 6. 1858

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Legation of the United States
U. S. S. Minnesota. Sep 13. 1858

My Lord,

In the Treaty between the United States and China, signed at Tientsin on the 18th June, it is provided, "That the tariff of duties to be paid by citizens of the "United States on the export and import of goods from "and into China shall be the same as was agreed upon "at the Treaty of Wanghia, except so far as it may be "modified by treaties with other nations; it being expressly "agreed that citizens of the United States shall never pay "higher duties than those paid by the most favored nation."

In that signed subsequently by Your Excellency with the Imperial Commissioners, a provision is made having reference to a general revision of the Tariff of duties on Imports and Exports, so as to approximate the impost as much as possible to an ad valorem rate of five per cent. The reason for this is declared to be the fall in the value of various articles of merchandise since the treaties of 1842-44, by which the rate of duties has been raised above the 5 per cent. It happens, however, that the main article of American manufactured goods used in China has appreciated since 1844, so that the rate fixed by the

His Excellency The Earl of Elgin & Kincardine
H. B. M. High Commissioner in China

&c &c &c

the former treaty would be more favorable than a new ad valorem duty.

Still, properly estimating the advantage if not the necessity of something like a defined and equalized Tariff, uniform in its provisions, for all commercial nations, and most especially interesting to Great Britain and the United States, I have requested the Secretary of this Legation to confer frankly and fully with the gentlemen understood to be deputed by Your Excellency, and the result of their consultation has been the sketch of a revised Tariff to be submitted to the Imperial Commissioners, which I have carefully examined, and to which, with one or two modifications which I shall presently have the honour to explain, I freely assent. I believe its terms will be generally satisfactory to my countrymen.

I am confident that had it been in our power to remodel the Chinese revenue system, Your Excellency would have agued with me in endeavoring to procure a great reduction, if not total abolition of export duties. This, however, was out of the question. The aggregate revenue of the Chinese Government for duties of all kinds is so meagre and so inadequate to its necessities, and the system of export duties so familiar to them, that it would have been idle to attempt. But now that a revision of details is to

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be made, I have indulged the hope that we should be able, without detriment to the Chinese, to have somewhat abated the export duty especially on tea, which as you are aware is, and has been for many years, imported free of duty into the United States; and on which, if I mistake not, the duty in Great Britain, is in a process of reduction. There seems an incongruity, Your Excellency will permit me to observe, between the application of a general five per cent ad valorem rule to all other exports, and an acquiescence in an export duty at least of twelve per cent on average values. This is a very heavy tax on the European and American consumer. It is not easy to understand why tea and silk, the one of high and the other of low value, should be excepted from the principle which the Chinese conceded in your Treaty that five per cent ad valorem was to be the value, unless it be meant as a boon to the Chinese.

I am quite aware that from another and most important clause in your treaty, the one reducing the transit duties to a rate not exceeding 2½ per cent between the place of production and that of export, it is fair to assume that a great reduction will be effected in the cost of the article itself, and the hope is reasonable that the new Treaty will very much reduce them. Still it is but an experiment, and with officials so ingenious in their devices of imposition as the Chinese,

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a doubtful one. In saying this, Your Excellency will understand me as not meaning in any way to disparage a mode of action such as is provided in your treaty (in regard to which I am very hopeful), but as expressing a doubt as to the working of anything when applicable to a people such as this. Assuming, therefore, the possibility of the failure of the attempt to compel them to abandon the transit taxes, I beg to suggest to you the expediency of somewhat reducing the export duty on tea, and assimilating its rate to that on other exported articles.

But there is another matter of far greater interest, which after full and anxious consideration - made more serious since I have been compelled to watch the operations of trade at this port during the last two months - I feel it my duty to bring before your Excellency. I mean the Opium Question, which in its present condition is most mischievous in its relation to trade, and most discreditable to all parties, political and individual which it taints

In our brief conversations on this subject at Tientsin, I frankly stated to Your Excellency what the views of the Government of the United States were on this subject, and that I was instructed to inform the Chinese authorities, if the opportunity offered, that the United States did not seek for its citizens the legal establishment of the opium trade, and would not uphold them in any attempt to violate

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the laws of China by the introduction of the article into the country. I am not quite sure whether I mentioned to you that on one occasion at least in my intercourse with the Commissioners at the North, I did state these views to them, going even further and assuring them that the United States would sustain any lawful attempt their Government made to suppress this traffic. I have said something to the same effect to the Taoutai here, but in both instances, the suggestion met with no response. The reluctance of the latter to talk on the subject may be easily accounted for; but the indifference of those who more directly represented the Emperor could only be explained on the ground either that it was indifference, or has been suggested, by their fear even to talk on a subject which they thought had once involved them in a war, and which might (so they reasoned) give them trouble again. Be the reason what it may, I was unable to gain for the subject any consideration, and my deliberate judgment was and is that the trade must go on as it is, with all the mischief and disgrace, unless Your Excellency will undertake to adjust and regulate it.

At Your Excellency's instance, while the American treaty was in progress at Tientsin, I struck out from the draught the express prohibition of opium, which as you are aware, is in the Treaty of Wanghia, and the reason for doing so aside from my acquiescence

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in the views which Your Excellency suggested, was that I was conscious that in its operation in China it was a dead letter, and as such had only a place in the treaty for mischief. I beg to assure you that I do not at all regret my decision, and have reason to believe that what I did will be approved by my government. Opium now is expressly contraband. In the new treaties, for I understand them in this to correspond, it is contraband or not according to the laws of the Chinese government.

Let me beg Your Excellency's attention to the actual state of things at this port - a type of others - a state of things with which I have been made painfully familiar, which I have sought to understand in all its bearings, and to which I refer in detail, not because it is unknown to you, but in explanation of the policy and necessity of the measures which I take the liberty of urging on Your Excellency.

It is not my intention to say a word as to the mischievous social or economical effects of the consumption of opium, about which I have little doubt there is some exaggeration, and of which from personal observation I have no means of judging. No one doubts it is very pernicious and demoralizing. But I am confident Your Excellency will agree with me that its evils as the basis of an illegal, connived at, and corrupting traffic, cannot be overstated. It is degrading alike to the producer,

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the importer, the official whether foreign or Chinese, and the purchaser. This state of things, narrowing the question to this port of Shanghai, I understand to be this:

In the year 1857, it is said upwards of 32000 chests of East India Opium, worth nearly twenty millions of dollars reached the port. It came either direct from Calcutta or Bombay, or by the way of Hongkong, where it is an article of lawful trade, and where the sum of $33,960 is annually paid into the Colonial Treasury for the monopoly of dealing in it under a license. It comes to Shanghai in vessels of very nation, though of course, as with other articles of trade, the bulk of it is in English and American ships. It so happens and it is a matter of deep regret to me that it is so, that the most active opium business in any single ship is at this moment carried on in a steamer built in New-York, nominally owned by an American, and carrying the American flag. I have endeavored to ascertain the aggregate amount imported hither in American bottoms; and as near as may be, I find it to be in American ships, counting the steamer "Yangtze" to which I have referred, as over 6300 chests, in English and others, 25,700. It is brought as freely in the mail steamers as in any others. It is transferred at once to the ships, known as Opium hulks, anchored at Woosung, where it is carefully stored.

These

These hulks, six in number, are under the English flag, though it is right to say that one of them is understood to be the property of an American House, and the depositary of much of the opium imported on American account.

This deposit has as Your Excellency is well aware, all the discreditable features of a great smuggling transaction except that of secrecy, for the scandal, if the trade were actually prohibited, is open and defiant. And yet the fact is that every chest of opium thus deposited is watched and guarded by boats belonging to the revenue Service of China; and on its discharge is so designated as to secure in some way specific duty (about 2½ taels) just as well ascertained as is the duty on every bale of English or American manufactures. Of these duties, thus legitimated, and amounting it is conjectured to at least a million of dollars per annum, no published returns is made, no official or other regular statistical information afforded, except such as I believe the British Consul makes, and an article which constitutes at this moment exactly one third of the import trade of Shanghai is ignored as absolutely as if it did not exist.

I am at a loss to understand why this inconvenient masquerade – the English Treaty being silent on the subject, and the Chinese laws virtually abandoned

abandoned – is kept up. I am aware it has been suggested that the depositary of so valuable an article as opium should be at a distance from the city, but I cannot suppose there is a reason for the inconvenient and expensive contrivance now resorted to, and rather find one in the nominally unlawful and consciously discreditable character of the trade itself, and in the lingering desire on the part of some of the largest operators that it should continue on its present footing. The moment the opium is brought up and entered regularly at the Custom house, and the duty paid there as it is at Woosung, all the advantages which monopolists derive would be at an end; and the trade let it be remembered, would not be in reality more legalized than it is now.

But again I beg Your Excellency's attention to another view of the matter as affecting the character of the communities we represent. There is at this port a department of mercantile customs, administered by three Inspectors, English, American and French, appointed by the Intendant originally on the recommendation of the Consuls of the three Treaty Powers. One of these gentlemen is employed, if I mistake not, on the present revision of the Tariff, and all of them are persons of high respectability and fidelity in their peculiar trust. Their jurisdiction, as delegates of the Chinese authorities,

extends

extends below the anchorage of the hulks at Woosung, and over every description of imported merchandise except opium; and over every ship that casts anchor within the river except the ship that brings opium to Woosung and goes away without coming to the city. In the printed returns of foreign commerce prepared by this Department, and which if complete would be of great value in determining our relations to this Empire, opium, forming as I have said, one third, is omitted. All else is minutely included, and in a report made to me by the American Vice Consul, it is stated that this subject has been expressly withdrawn from the cognizance of the foreign inspectors, and reserved for the administration of the Taoutai himself, who receives the duties on opium and remits the money to the authorities at Suchau. Whether this abstinence of what is familiarly known as the Foreign Inspectorate has always been as complete as it is now, I am not prepared to say, though the fact has been mentioned to me that during the war between Great Britain and Russia, while the exportation of saltpetre from Calcutta was prohibited, the Patna opium chests were regularly examined by the English and French Inspectors, and thus this trade, legal or illegal, brought within their view. It is now, I admit, not within their province; and yet it can hardly be pretended that

with

with an Inspectorate, vigilant in all else, in which England, France and the United States are represented, the reproach of connivance at the traffic, if it be illegal, does not rest on them now.

I refer to this, and so I beg Your Excellency to understand me, not as indicating my willingness to assume any responsibility for the acts of the inspectors or the administration of the Chinese Custom house generally, but as illustrating the discredit that is shed on every thing and everybody by the present position of the opium trade.

In reference to the general effect on trade and revenue of the present state of things. I beg to refer Your Excellency to the inclosed communication addressed to me by one of the most intelligent American merchants in Shanghai, which embodies views which I am sure will commend themselves to Your Excellency's attention. Whether we should concur in the remedy the writer suggests, requires grave consideration — but of one thing I have no doubt, any course is better than that which is now pursued.

I have more than once understood Your Excellency to say that you had a strong if not invincible repugnance, involved as Great Britain already was in hostilities at Canton, and having been compelled in the North to resort to the influence

of

of threatened coercion, to introduce the subject of opium to the consideration of the Chinese authorities. Yet I am confident, unless the initiative is taken by Your Excellency, things must continue as they are with all their shame, and I appeal to Your Excellency's high sense of duty so often and so strongly expressed, to this helpless though perverse people, whether we, the representatives of Western and Christian nations, ought to consider our work done without some attempt to induce or compel an adjustment of the pernicious difficulty. In such an attempt I shall cordially unite.

But two courses are open for us to suggest and sustain. That of urging upon the Chinese authorities the active and thorough suppression of the trade by seizure and confiscation, with assurances that no assistance direct or indirect shall be given to parties, English or American, seeking to evade or resist the process; adding to this, what if Your Excellency agree with me as to the expediency of measures of repression, I am sure will be consonant with your personal conviction of what is right, the assurance of the disposition of your government to put a stop to the growth and export of opium from India. I may be permitted to suggest that perhaps no more propitious moment for so decisive and philanthropic a measure could be found than now when the privileges of the East India Company and what may

be

be termed its active responsibilities including the receipt and administration of the opium revenue, are about to be transferred to the Crown. I am confident my Government would do ready justice to the high motives which would lead to such a course and rejoice at the result.

Of effective prohibition, and this mainly through the inveterate appetite of the Chinese, I confess I am not sanguine; and I therefore more confidently though not more earnestly, call Your Excellency's attention to the only other course open to us – the attempt to persuade the Chinese to put such high duties on the drug as will restrain the Supply, regulate the import and yet not stimulate some other form of smuggling with or without the connivance of the Chinese. The economical arguments in favor of this course are so fully stated in the accompanying paper, that I need not allude to them further.

In conclusion I beg to assure Your Excellency that I am quite prepared to take my full share of the responsibility in sustaining either of the two courses I have ventured to suggest; and am sure Your Excellency will add new distinction to what you have already earned in reëstablishing commercial relations with China, by getting rid of this anomalous

opprobium

opprobrium to all fair commerce.

I am compelled to put my views in the form of a communication to Your Excellency for the reason that the treaty relations between the United States and China, do not contemplate a revision of the tariff except through your action.

I avail myself of this opportunity to inform you that it is my intention to sail in a few days to Nagasaki, and to return to Shanghai about the first of October ~~and~~ in time to meet the Imperial Commissioners, should they adhere to their announced intention of coming South.

I have the honor to be
My Lord
Your Excellency's
Obedient Servant
(signed) William B. Reed

Dispatch 36. Inc. 1.
Nov 6. 1858

19

SHANGHAI, 28th *August*, 1858.

SIR,

In the Treaties recently concluded at Tientsin, the Opium trade appears to be ignored. As the approaching revision of the Tariff may admit of reconsideration on this point, I propose to offer Your Excellency some reasons why so important a branch of foreign commerce with China should be more courageously treated.

1. Right or wrong, there is no doubt that this trade exerts a very great influence upon all foreign relations with China, and, in any settlement affecting those relations, is entitled to a prominent place.

To neglect it is merely to postpone to some future day, a subject whose difficulties are ever multiplying, and to maintain meanwhile an irregular traffic, practically irrepressible, yet forbidden by law; tolerated or encouraged by the Governments bound to prevent it, and hurtful to those who conduct it, if not to the Chinese people.

2. The importance of the trade to our commerce will appear from the following Statistics of the business of this port last year, viz:—

Total Exports of Produce from Shanghai during 1857, ...		Tls. 33,444,000
Total Imports of General Merchandise from beyond the Cape of Good Hope, ...	Tls. 7,044,400	
" " " " from East of the Cape, ...	7,504,600	
		14,549,000
" Treasure imported, mostly from Europe, ...		14,285,000
" Opium " 32,426 Chests, ...		14,433,000
Total Imports, ...		Tls. 43,267,000

The Statistics of the other ports open to trade would exhibit a still larger percentage of Opium imports as compared with all others. But I cannot obtain complete tables of their trade.

The whole importation of Opium into China last year was, however, about 34,000 chests Malwa and 36,000 chests Patna, of the aggregate value of about 35,000,000 taels.

3. Although this trade is contrary to Treaty and to Chinese law, yet it is carried on as openly as any other branch of commerce. The Opium is derived from British India, where it pays a revenue to the Government equal to fully twice the cost of production. Lord Dalhousie estimated this revenue for the year 1855-1856 at £5,000,000 Sterling, or about one-sixth of the whole revenue of the Company; and, as this enormous sum is drawn entirely from foreign consumers, and levied with remarkable ease and certainty, it is not surprising that the Anglo-Indian Government—a highly expensive administration in an exceedingly poor, and very fully taxed country—should encourage the trade which supplies it.

That it does so is known to all the world, and there is at present no sign of an intention to do otherwise.

4. The Chinese Government appears to be as inclined to tolerate, as the English Government is to encourage, the infraction of its laws about Opium. For of late, not only have no steps been taken to check the trade, but, at several of the ports, the Imperial officers have publicly prescribed a specific duty on the article.

At this port there is a Board of Trade, commissioned by the Taoutai, which collects a duty of 24 taels on every chest landed, and, after deducting 2 taels a chest for expenses, remits the remainder to the Provincial Treasury at Soochow.

5. Nothing is better known than these facts. The foreign Inspectors of Customs, often annoyingly rigid on minor matters, offer no obstacle to the importation of Opium, expect the farcical one of forbidding its landing within the foreign quarter. At the anchorage within a few miles of the town, the drug is discharged into Station-ships in the broad daylight, and under the watchful cognizance of a Chinese revenue officer; and from those ships it is delivered to Chinese purchasers. These receipts and deliveries are made known as publicly as those of any lawful article of commerce.

Yet the foreign importer of Opium is denounced as a smuggler, and, by Treaty, his ship and cargo are held liable to confiscation.

6. But the absurdity of thus denouncing a trade so conducted, and playing so important a part in the commerce and revenue of great Nations, is not greater than the injury done to the character of the merchants engaged in it.

There are very opposite opinions, held by very good men, as to the effects of the use of Opium on the Chinese consumers of it, and doubtless many persons would decline to embark in the trade even if it were legalized. But there can be no two opinions as to the effect of smuggling, or the reputation of smuggling, upon the men concerned in it. Neither can there be any doubt that the necessity of taking expensive precautions against any sudden enforcement of the law, prevents free competition in the trade, and tends to confine it in the hands of large capitalists, who are therefore interested in retaining it under the ban of the law.

7. What has been said has had for its object the exposition of the unfairness and disadvantage of leaving the trade in its present anomalous conditon.

I propose now to advert to some advantages likely to flow from legalizing it—

Taking the figures given under Section 2, we find that the foreign trade of this port in dutiable Imports and Exports, amounted in a year to about 48,000,000 taels. It will be an approximation to estimate the same trade of the other ports at 22,000,000 taels, making a total of about 70,000,000 taels a year.

Upon this the Treaties allow the Chinese Government to levy a port duty of five per cent., and an interior duty of about two-and-a-half per cent., the united product of which may be estimated at 5,250,000 taels.

We may assume that hereafter this is all that the Imperial Treasury would annually derive from the foreign trade, and that it will probably prove a very inadequate sum for the necessities of the Government. In such a case irregular exactions of various sorts are likely to be resorted to, just as they have been under the old Treaties.

But if the Opium trade were put under legal contribution at the same rate as other merchandise, the direct revenue to the Treasury would be 2,625,000 taels more, and illegal exactions on other articles would probably be unnecessary. Indeed the duty on Opium might easily be increased so as to admit of a reduction on other duties; for there is no article imported into China upon which a high rate could be so surely levied or so seldom evaded. Even now, every chest is known to the public immediately on arrival, and as the Anglo-Indian Government must take a strict account of all shipments from its territory, official returns of each could easily be obtained for the Chinese Government.

8. There is however another consideration connected with this topic, which, while it might encourage Your Excellency to urge the legalization of the Opium trade, might deter the British Ambassador from pursuing the same course.

This is, that the easy subjection of Opium to a high duty might suggest to the Chinese Government the feasibility of diminishing the consumption of the drug by this means. I have no doubt that this effect could be produced; since smuggling, except with the open connivance of the Chinese officials, might be made almost impossible, especially if the Indian Government opposed it.

For at high prices the consumption in China has always been less than that at low prices. Thus in 1854, the total consumption of Bengal Opium was about 55,000 chests at an average of 375 Mexican dollars each, in 1855 about 45,000 chests at $450 each, in 1856 about 40,000 chests at $500 each, and in 1857 about 36,000 chests at $600 each.

Of Malwa the consumption has increased since 1854, probably in consequence of the diminished importation of the others, and prices of it have been steady at about 600 Mexican dollars per chest. The figures are—for 1855, 29,000 chests; for 1856, 33,000 chests; and for 1857, 34,000 chests.

It must be admitted, however, that China generally takes off the whole product of India (less that sent to the Straits settlements,) so that the fluctuations in consumption may really have less to do with price, than with supply.

But the fact that the Chinese already take most of the Indian crop, is itself an argument for legalization, as proving that nothing but increased production can increase the import.

9. It is by no means certain that the Chinese Government is so anxious to suppress the use of Opium in its dominions as has been supposed. A prominent argument against it in 1839 was that it abstracted Silver from the Empire. But since 1853, when Silver began again to flow into China, this argument has lost some of its force, and the toleration which the importation (and perhaps also the growth) of Opium has since met, may be the consequence of this flow of Silver.

Even if the Emperor is sincerely hostile to the use of the drug, surely no Western Government, least of all the British Government, could honorably oppose his using such lawful means to prevent it as the imposition of a high duty.

Yet it is to be feared that he will be deprived of this, in reality his only means of suppression, if it is not offered to him. For the reluctance of his officers to approach the Opium question, without doubt arises from their conviction that England would resent or frustrate any efforts they might make to regulate or reduce the traffic.

I beg that these observations may engage Your Excellency's earnest attention, and that you will communicate anything that you may think valuable in them to the other Plenipotentiaries prior to the revision of the Tariff.

I remain,

Sir,

Your Excellency's most obedient Servant,

W. Walsh

To His Excellency

WM. B. REED,

U. S. Minister.

Dispatch 36. Inc. 1
Nov 6. 1858

19

Shanghai. October 19. 1858

Sir,

It was not until after Your Excellency had left this place on your expedition to Japan, that I received the very interesting and valuable letter on the subject of the Chinese tariff, which you did me the honor to address to me on the 13th ultimo. I have, accordingly, awaited your return, before replying to it, as I had no means of communication with you during your absence. I trust that Your Excellency will now allow me to state, that the frank and full manner, in which you have been good enough to convey to me your opinions, and the able assistance afforded by the Secretary of your Legation to the gentlemen deputed by me to consider the details of the Tariff will materially aid me in my endeavours to bring the important questions at issue to a satisfactory settlement.

I so cordially assent to the views expressed by Your Excellency in reference to the Opium trade that I do not think it necessary to dwell on this part of your letter. I would only venture to observe on this head that when I resolved not to press this matter upon the attention of the Chinese Commissioners at Tientsin I did so, not because I questioned the advantage which would accrue from the legalization of the traffic, but because I could not reconcile it to my sense of right to urge the Imperial Government

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to abandon its traditional policy in this respect under the kind of pressure which we were bringing to bear upon it at Tientsin.

The circumstances under which the question will come up for discussion in the conferences on the subject of the Tariff which are now being held at this place are happily different; and I shall not fail to instruct the gentlemen who are acting for me on this occasion to call the attention of the officers of the Chinese Government with whom they are negotiating to the considerations so ably stated in your letter. I have little doubt but that it will be found that legalization is the only available remedy for the evils which have attracted Your Excellency's notice, because I am confident that even if the other difficulties, to which you advert, could be removed, it would be found practically impossible to suppress the traffic in an article so easily raised and transported, and the demand for which in the country is so great, that, when the supply from some cause or another has fallen short, the price has, I am informed, even within the last few years risen occasionally to upwards of 1000 dollars per chest, a sum exceeding I should presume, 5 times the cost of production.

The subject of the Tea duties presents certain peculiarities and, in order that Your Excellency may clearly understand how I am situated in reference to

it,

it, it is necessary that I should trouble you with some details.

In the first place the prime cost of tea has not fallen off since the first commenced Treaties with China were framed. We can hardly therefore claim a reduction of the duty payable on this article on the plea of reverting to the rate established by those Treaties. If nevertheless, a clause providing for the reversion of the Tariff at this time had been inserted in all the Treaties negotiated at Tientsin, in June last, there would have been less difficulty in the matter. We might have united in urging the Chinese Commissioners to apply the principle of a 5 per cent ad valorem duty (or rather of a specified duty fixed on that basis) indiscriminately to all articles whether of import or export. The rigid application of the principle would no doubt in the great majority of cases have resulted in a reduction of the duties now payable, but in some, as in that of silk, it would have led to an augmentation.

The existing tariff is however as Your Excellency knows, maintained by the terms of the American and French treaties. The French would probably rather adhere to it than accept a new one, which raised the duty on silk and lowered it on tea. I fear therefore that even if I could persuade the Chinese Commissioners to carry out inflexibly the principle of a 5 per cent duty

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in the amended British Tariff the result would be that under the most favored nation clause the tea merchants would look to the English Treaty, the silk merchants to the French, for the duty which they were to pay on their respective exports - a system which would give rise to much confusion and which would probably be regarded by the Chinese authorities as characterized by sharp practice, if not indifferent faith. The Chinese Commissioners are alive to this ~~risk~~ and have laid much stress upon it in resisting the arguments in favor of a reduction of the export duty on tea which have been urged upon them on my behalf.

And further, as Your Excellency very truly observes the duty now payable on the export of tea is compounded of two elements, the inland or transit, and the export duties. Your Excellency puts the transit duty as now levied on tea at about 100 per cent on the value, the export duty at about 12 per cent. If this estimate be correct it is obvious that the former is out of all proportion more onerous than the latter.

Moreover the latter remains fixed, the former, as matters now stand, is practically susceptible of indefinite increase at the will of the Mandarins. It may be a question therefore whether anything is gained by restricting the latter unless the former be subjected to some limitation.

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Under these circumstances I have deemed it advisable that the gentlemen deputed by me to discuss the details of the tariff as the Chinese Commissioners should, as regards the article of tea, direct their attention principally to the regularization and limitation of the Transit duty although they will not fail to do what they can to secure a reduction of the export duty likewise.

I have the honor to be

Sir,

Your Excellency's

most obedient humble servant

(signed) Elgin & Kincardine

Dispatch 36. Inc 1
Nov 6. 1858

22

Legation of the United States
Shanghai Oct. 20. 1858

My Lord,

I acknowledge the receipt of Your Excellency's letter of the 19th and beg to say that if any suggestion of mine with reference to the Tariff, can be supposed to have weight with the Chinese authorities I shall be most happy they should be communicated.

I am fully aware of the force of the reasoning against the chances of a reduction of the export duty on tea. It had occurred to my mind before, but it seems to me as then to apply to a reduction to a five per cent basis, than to an arbitrary reduction to some extent above that rate. Still I shall be quite content if the reduction and precise ascertainment of the transit duties can be effected and I am glad to infer from your Excellency's letter that you are hopeful of such a result.

The Imperial Commissioners a few days ago addressed me a communication, inviting me to depute some one to meet the deputies appointed by yourself and them to perfect the Tariff. Considerations of expediency have induced me to decline doing so. Under the terms of the Treaty of Tientsin

To His Excellency
The Earl of Elgin & Kincardine
&c &c &c

Tientsin of 16th June, it would be in form irregular and as the work was nearly done and done after conference with Mr. Williams I thought it better to decline the offer.

The moment I receive from your Excellency or the Imperial Commissioners a copy of the Tariff as agreed upon, I shall consider it and determine in what way - if it meet my views as I doubt not it will - the consent of the United States shall be given to it, so as to make it obligatory on its citizens.

I have the honour to be

My Lord,

Your Excellency's

obedient Servant

(Signed) William B. Reed.

23

Kweiliang, Hwashana, Ho Kwei-hing, Ming-shen and Twan, Imperial Commissioners, &c. &c. herewith send a communication.

In the treaties concluded at Tientsin, it is provided that subjects of the treaty-making powers, when going into the interior of China, must be provided with passports issued by and having the seals of their consuls. Each consul is to ascertain that the persons asking for these passports are honorable and upright men before issuing them. As it is of the highest importance that there should be no mistake on this point, we cannot refrain from addressing your Excellencies [of the Three Treaty Powers] upon the subject, and desiring you to come to a decision upon it that no evils may ensue in its mode of operation. When you have done so we hope to learn the result.

It is plain to us that the subjects of non treaty powers should not be placed on the same footing as the subjects of those nations having treaties; but we ourselves, being unacquainted with the usages of foreign nations in this respect, and unwilling of ourselves to lay down preventive regulations respecting issuing passports, desire first to receive the result of your

deliberations before we act in the premises.

When persons belonging to either of the Treaty Powers disobey the laws, they are to be handed over to their respective consuls for trial and punishment; but the consuls of other nations are all merchants and engaged in trade, having no control or restraint over their countrymen. Even these consuls themselves smuggle and commit other illegal acts. Such things are continually occurring, and if these consuls do not and cannot restrain their countrymen, the results will be that the whole body of merchants will become more reckless, and evils multiply enormously among them.

We have anxiously deliberated on this subject, and come to the conclusion that all those nations ought to appoint consuls, whose special business shall be to attend to the oversight of their countrymen:- merchants ought no longer to act as consuls, for now they have only the name of such and not the authority.

It is very important that consuls be appointed by the Treaty Powers to reside at all the ports newly opened to trade, there to exercise authority and carry into effect the regulations. Many important duties devolve on the consuls;

and

and we wish to speak of those officers candidly and frankly, for some of those of your respective nations have formerly and often acted in a manner calculated to impede and mar the harmony that existed between their nations and our own. They have acted perversely without informing their own superiors, and willfully disregarding everything but their own opinions, have carried out their high-handed measures to the ruin of all cordial feeling.

We therefore earnestly request your Excellencies to enjoin upon your consuls at the open ports, that, when an altercation arises with the local authorities, and the two parties cannot agree, that both they and the native authorities are to refer the matter to their superiors for direction how to act. By following this rule former evils will be avoided, and consuls not be able to do as they please, but be constrained to adhere to the treaties; and this will strengthen and perpetuate the harmony those compacts are designed to promote. The local authorities certainly have no desire to treat consuls disrespectfully, but the latter have frequently acted with rudeness and violence. This makes it desirable that plain rules for their official intercourse,

according to their respective ranks, be laid down, which will prevent all disputes.

The treaties now provide that a consul is of equal rank with an intendant of circuit; and the treaty with France stipulates, "that "the high officers [of that nation] shall correspond "on equal terms with the high provincial "dignitaries of China; but when those of an "inferior rank have occasion to address the "high provincial officers, they shall do so in "the form of a representation, and the latter "shall reply by a rescript; and all correspon- "dence shall be conducted on the basis of "mutual equality and reciprocal respect."

According to this article the design is, that while a consul corresponds on equal terms with an intendant of circuit, a consul-general should do so with the treasurer or judge of a province, as being of equal rank with him. If a rule like this be adopted, it will prevent all dispute on such points, and tend to a general harmony and good understanding.

Again. We have ascertained that various consuls at Shanghai have issued their own national flags to native boats to the number of

thirty

thirty and more, and the number is increasing to the great inconvenience of public affairs. The masters of these boats are generally discontented men, unwilling quietly to attend to their own affairs; but who would not, if they had no such protection, dare, as they now do, to set the laws at defiance screened by a foreign flag.

When the local authorities try to punish these offenders, they are unable to do so, for the miscreants act just as they please while they carry these flags. Outrage and lawlessness are consequently continually increasing, and there seems to be no limit to the evils flowing from this state of things. We fear, too, that it will be difficult to prevent the same practice at the other ports.

Conduct such as this will, we apprehend, ere long give rise to enormous wrongs and sufferings, and lead to disputes between our countries; and it is of the very highest importance that laws adequate to restrain and repress it be enforced. We have accordingly decided to ask your Excellencies to enjoin upon the consuls of your nations respectively no longer to grant flags to native Chinese boats, and further to request that those which have been granted

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to them be now withdrawn.

We will also ourselves issue our plain commands to the people at the same time for their guidance, announcing to them that any native who presumes to receive the flag of a foreign nation and hoist it on his boat, will be regarded, on proof of the act, as a criminal and be punished accordingly.

The preceding regulations will, we are of opinion, be for the best interests of the United States and of China; and if adopted conducive to our common welfare. We have therefore now communicated them to your Excellency, and request you to consider them and favor us with your reply. We have also sent a similar dispatch to each of the English and French ministers

To His Excellency Wm B. Reed,

Envoy Extraordinary and Minister Plenipotentiary of the United States to China

November 1. 1858

Dispatch 36. Inc 2
Nov 6. 1858

Legation of the United States.
Shanghai. Nov. 10th 1858.

The American Minister has had the honour to receive the communication addressed to him by their Excellencies, the Imperial Commissioners on the 5th inst. and has given to it careful and most respectful consideration. He highly estimates the friendly feeling which dictated it and the eminently practical character of the inquiries and suggestions it makes. In the same spirit and with the aim of continuing the relations which have heretofore existed he now replies to it:

The right of citizens of the United States to go into the interior of China is derivative and is confered by that clause of the Treaty of Tientsin of the 18th of June which gives to the United States and its citizens all the privileges of the most favoured nation. Being derivative, it must be exercised with all the limitations annexed to it; and one of those limitations is, that no one can enter the interior of China without a passport. This obligation rests on the United States as much as on Great Britain and on France, and shall be complied with. So soon as the Treaty of Tientsin is ratified by the President of the United States with the advice and consent of the Senate, measures will no doubt be taken to prescribe a penalty to be inflicted by the Consular authority on any one who enters China without a passport, certifying to his citizenship, or having one refuses to produce it.

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This, the American Minister will bring to the consideration of his Government, and he does not doubt that it will at once make such provision as is needed to protect China and prevent the infraction of its laws by Americans.

As to placing the non-treaty powers of the West on the same footing as those nations which have treaties, the American Minister as the Representative of a great and friendly Treaty power, is alike sensible of the expediency of some change and the difficulty of effecting it.

He respectfully suggests however that the remedy is to a certain extent in the hands of the Chinese Authorities. Let them in the first instance show a willingness to make treaties with such powers small and great as approach them for that purpose. Years ago Spain asked to enter into treaty stipulations with China and was refused. This should not be now. At this moment Portugal has, it is understood, expressed the same wish. It should be met in a proper spirit and thus the non Treaty powers be reduced.

But even if things remain as they are, there is a remedy which the American Minister respectfully suggests. By the received law of the West, and Western Nations will recognize it every where, no one can presume to act as Consul unless as such he is recognized and permitted to act by the Government to which he is sent. If therefore any one is acting Consul in China without such express recognition by the local or provincial or Imperial Authorities, he is acting without law,

and

and in his assumed Consular function is entitled to no protection. Let the Chinese Authorities resolutely refuse to recognize these interloping officials. If they have done so let them, as they have a perfect right to do withdraw it. If an American acting as the Consul of a non treaty power, uses this function for his benefit a protection as an American, let him be refused audience and be referred to his own Consul who will always be respectfully listened to. If an American acting as such Consul appeals to the local authorities for aid and redress for citizens of this non-treaty power, let him in humanity be kindly listened to and if redress be given, let him understand why it is done, out of humanity and not of right.

If these men calling themselves Consuls, presume to enter or clear ships or transact business as such with the Customs, let it be refused till they put themselves under Treaty obligations, and if then they still resist or evade the laws, let the Revenue officers, if need be, forcibly prevent it. The emergency will add force to the suggestion which in a communication the American Minister made to their Excellencies Kweiliang and Hwashana on the 30th of June, as to the importance of increasing the naval force of China and the use of foreign ships & steamers.

As to Consul being engaged in Trade the American Minister desires to say that it is now the law of his Country that no one shall be Consul who is engaged in trade.

Not the law of the U. S. This has caused considerable trouble

The American Minister deplores as sincerely as your Excellencies can do, any past misconduct of the

Consuls

Consuls who have represented the United States in China, if such has occurred. By direction of the President he has endeavored to put matters right and hopes there will be no ground of complaint hereafter. But if there should he begs to assure Your Excellencies, if it be brought to his knowledge it shall be corrected, and if the proper authorities on well ascertained facts withdraw the exequatur from a Consul misconducting himself, the American Minister and his Government will not complain.

The best redress for all these irregularities is the dignified and resolute but above all moderate assertion by the Chinese authorities of their own rights.

The question of the relative rank of Consul Generals does not arise with the United States which has no such officer in China.

The Consul of the United States reports to the Undersigned that he has granted no flags to Chinese boats and on examining the records, finds that none have been granted heretofore. The American Minister has impressed on the Consuls to abstain from any such practice.

In conclusion on this topic he respectfully suggests to Your Excellencies that some thing be attempted or done, and it would be a proper subject it seems to him for a Memorial to the Throne so that the Imperial will being known there should be uniform compliance, by which a National flag, the same every where and easily identified should be instituted to be carried in some conspicuous place by every Chinese vessel

Public

public a private. The United States compels its citizens to have such flag. So does every other nation in the west. Why then should not China with her vast and unprotected commerce do the same? There would then be means of distinguishing the honest trader from the pirate and robber and less inducement to usurp & adopt foreign and spurious flags.

The American Minister soon about to depart to his country, leaving the discharge of his duties to a fit person hereafter to be designated, begs again to assure Your Excellencies of his most distinguished consideration and further to remind your Excellencies that the clause of the Treaty of Tientsin, by which in time of danger and impending conflict the good offices of the United States were promised is not an unmeaning one. The United States will always be ready peacefully to aid China. The United States expects in return a faithful compliance to the very letter of every engagement which China has made.

(Signed) W. B. Reed

Dispatch 36. Inc. 2
Nov 6. 1858

Shanghai. November 6. 1858

Sir,

I have the honor to enclose herewith the draft of a tariff and accompanying regulations as arranged between officers named by me on the one part, and by the Chinese Imperial Commissioners on the other, in terms of the 26th Article of the British Treaty of Tientsin.

In making this communication I would beg leave to tender to Your Excellency my best thanks for the assistance which Mr Williams has by your desire given to my deputies in the discharge of their duties and for the kindness with which you have favored me with your opinion and advice when questions of difficulty have arisen in the course of the discussions which have taken place on this subject.

I trust that it will be in Your Excellency's power to accept on behalf of Your Government this Tariff and regulations which are in point of fact the fruit of our joint labors. It would obviously be a hardship to the Chinese Authorities if there were an absence of

His Excellency
The Honble: W. B. Reed

&c &c &c

of uniformity in the tariffs recognized by our respective Treaties, and I know too well Your Excellency's high sense of equity to doubt your desire to avert from them, this source of embarrassment and misunderstanding

I have the honor to be

Sir,

Your Excellencys

most Obedient

Humble Servant

(signed) Elgin & Kincardine

Dispatch 36. Inc 2.
Nov 6. 1858

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Legation of the United States
Shanghai. November 6th. 1858

My Lord,

I have carefully examined the Tariff and Regulations which Your Excellency has done me the honour to Send me, with most of the details of which I had already been made acquainted by Mr Williams.

I accept it unreservedly on the part of the United States and propose formally to adopt it by a Supplementary Convention, a sketch of which I now enclose to Your Excellency. There will in this way be left no doubt of its obligation on citizens of the United States and it has the further advantage that it will attest in the most formal manner, what with reference to some of the changes in the Import system is important, the willing assent of the Imperial authorities to what is now done.

I am therefore prepared to sign a supplementary treaty on the part of the United States.

I take the liberty of adding one other word in connexion with this subject. Aside from my great obligation to Your Chinese Secretary, Mr Wade, for his willing and most able assistance on all occasions when

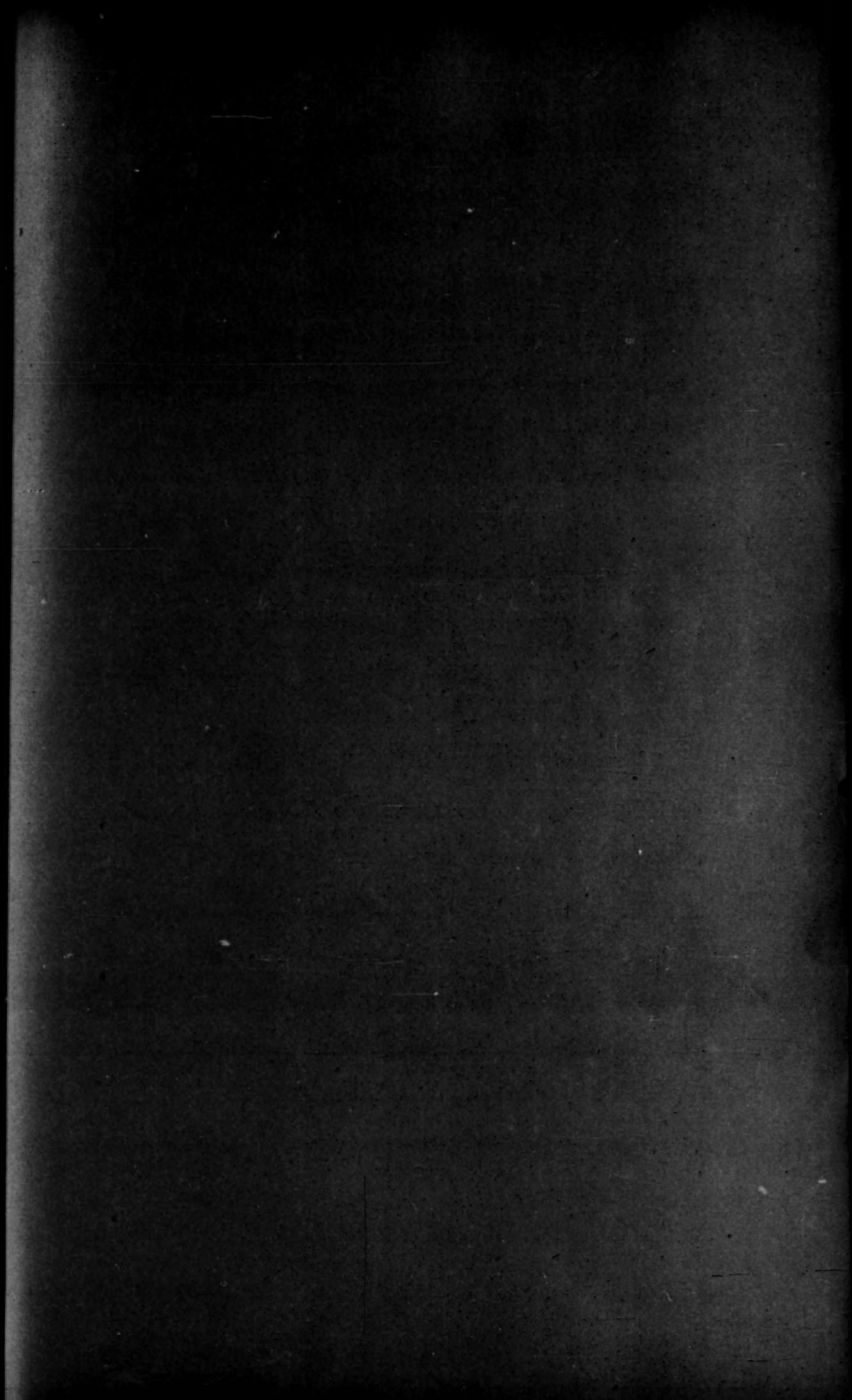
To His Excellency
The Earl of Elgin & Kincardine
&c &c &c

I have needed it, I beg to testify through Your Excellency my grateful sense of the kindness and cordial cooperation of Mr Horatio N. Lay who though not, as I understood, connected with Your Excellency's staff is a gentleman in whom, I am sure, you take an interest. There are many reasons which will occur to Your Excellency, why I should express my feeling on this subject, and thank Mr Lay for the aid he has rendered me in this preliminary conference at Shanghai. No one can hereafter do more executive good in "moralising" the commercial relations of this Empire than Mr Lay, and I sincerely trust, under no circumstances, may he be withdrawn from this distinguished function of rendering service to the Chinese - his own countrymen - and according to my clear view of their true interests and duties, to mine.

I trust Your Excellency will pardon me for referring to matters aside from the proper subject of this note, but I have no other mode of expressing these views.

I reciprocate cordially the friendly feelings expressed by Your Excellency and am confident that it will be a matter of great gratification to the President and my countrymen generally that the close of our diplomatic action in China has been so harmonious and agreeable.

I have the honor to be
My Lord,
Your Excellency's
most obedient humble Servant
(Signed) William B. Reed



Rec'd 10. Feb.

Cert. of Sec. of Board of Claims (Calif. case) Aug. 20 1859

41st Cong. 3d Sess. 1870
Senate Ex. Doc. 58

Official
No. 37.

Legation of the United States
Shanghai November 10th 1858

Sir

I desire to communicate to you some remarks explanatory of the convention signed at Shanghai for the final adjustment of claims of American citizens which I have especial pleasure in forwarding as the means of redressing the wrongs of a large body of our deserving countrymen.

When at Tient-sin I made an arrangement for the prospective liquidation of these claims estimating their amount at 600,000 taels or $800,000. I was compelled by the urgency of the Chinese Plenipotentiaries, who seemed to have an ill defined dread of making any more treaties, to leave it in the form of an agreement in correspondence, authenticated as far as possible by the seals of the Commissioners, and which I thought and still think was sufficient to be ultimately obligatory. Still as a sort of executory contract, it was not entirely satisfactory. Their acts might be disavowed and when the time came at which the compact was to be enforced, the Government of the United States might

Hon: Lewis Cass.
Secretary of State
Washington

might feel some hesitation in applying the coercion which in the case of the violation of a clearly expressed treaty obligation would be — properly applicable.

There were other difficulties about the execution of the contract as it originally stood. There was in it a provision, insisted on by the Chinese that in the examination and adjudication of the claims, especially those at Canton, the Governor General should be represented and an officer be appointed to act for him. — This necessarily involved delay and with the Chinese probably something more. The claims were to be paid out of American duties at three Ports and no apportionment was made or time stated for its going into effect except the uncertain one of a restoration of business at Canton. The Commissioners in their perplexity, seemed unwilling or unable to make these detailed stipulations. These were difficulties inherent to such a mode of adjustment as was adopted at Tientsin of which I was fully sensible and it was my intention to avail myself of the first opportunity to try and have them remedied.

That opportunity has presented itself at Shanghai, and I am happy to say all possible difficulty has been removed by reducing the agreement to the form of a Treaty - dispensing with the necessity of Chinese revision of the claims and precisely apportioning the duties among the three ports.

Nor has there been any great difficulty in effecting it, the Chinese Plenipotentiaries showing no disposition to evade the agreement they had entered into at Tientsin and being quite — willing to arrange the details on reasonable grounds.

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My first duty - not the less binding because it was a duty to the Chinese - was to revise the claims themselves and ascertain whether after giving credit for such as have in the meantime been settled and paid (The "Mermaid" for instance) and applying some clear principle of law, the aggregate could not be reduced. - The amount assumed at Tientsin was an arbitrary one. In the estimate sent to the Department in February last, the claims were stated at a maximum of $1.286.841^{00}$, though with the suggestion that the probable amount to be insisted on would be about $600.000.

In order to arrive at a still more precise result I called upon the claimants for a revised statement of their claims, for it was well understood that in many cases where there had been a claim for a total loss, property had been restored or paid for by the Chinese. In many instances the requisition was complied with and accurate statements made. In some, the request was understood strangely enough to be an intimation that new and extravagant demands would be entertained and all sorts of speculative and contingent claims were preferred, such for example as a Vice-Consul asking to be remunerated for fees that he might have made and the Captain of a Steamer claiming the profits of a year to come. As a general thing, however, the claims were revised in a proper spirit and were sensibly reduced by the claimants themselves. Still there were many of a contingent character.

To them it was necessary, even in forming my own judgment, to apply the well settled principle of law that in case of damages of this kind the prime cost or value of the property lost

and

at the time of the loss, and in case of injury the diminution in value by reason of the injury with interest affords the true measure. "This rule" it has been said by the Supreme Court of the United States "may not secure a complete indemnity for all possible injuries but it has certainty and general applicability to — recommend it and in almost all instances gives a fair and just recompense".

On a careful revision of all the evidence before me I was satisfied I could materially reduce the amount to be demanded, and after some friendly negociation it was fixed at 500.000 taels or $ 700.000 which was accepted by the Chinese and apportioned precisely between the three ports. It seems reasonable that the larger proportion should be paid at Canton where the mischief was done, and I agreed that it should be so, the more readily as the Chinese consented that the appropriation of the duties should begin at their New Year in February and not be, at least at Shanghai and Fuh-chau, dependent on the restoration of Trade at Canton. The interposition of a Chinese representative in adjudicating the claims was waived.

You will observe a provision in this treaty that the debentures which the Chinese Government is to give and which in all probability, if there be no new interruption of commerce, will be equivalent to cash, are to be delivered to such person or persons for safe Keeping as the Chief Diplomatic officer of the United States in China may direct. This the Chinese seemed to prefer to Consular agency, tho' the

latter

latter is not expressly included. In the draught of a convention which I at first submitted to the Commissioners at Shanghai, the sum stated was 525.000 Taels with a provision that in case of an excess beyond the claims and interest it should be refunded to the Chinese Government. They preferred however the small sum without such provision evidently thinking it was their best policy to get rid of the matter forever. The brief correspondence is annexed (Inclosures 1. 2.)

This Convention will, if ratified by the President and carried into effect by the Chinese (as I doubt not it will be,) liquidate every claim on China by citizens of the United States, principal and Chinese interest at 12 per cent per annum — calculated for three years on most of the claims, and for a longer period on others, and among them one, (that of the Rev. J. J. Roberts) as ancient as 1827 which occupied the attention and excited the sympathies of many of my predecessors. The rest of them have reference to the destruction of property at Canton and its neighbourhood. This too has been effected without the utterance of a single harsh word.

I am not informed precisely what — arrangement has been made for the liquidation of the English and French indemnities amounting, it is supposed, in the aggregate to about $ 4000.000. tho' I have understood from Baron Gros that an arrangement similar to mine, of an issue of debentures receivable in payment of all duties to the extent of one sixth had been agreed to —

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I left Baron Gros at Shanghai. Lord Elgin went up the Yang-tze Kiang on the 8th inst.

I now ask your attention to some suggestions as to the practical operation of this adjustment and to the necessity of some action by Congress. Its execution will of course devolve on my Successor but neither he nor you will, I presume, regard my views on this subject as intrusive or inappropriate.

In making any computation as to the time when the proceeds of the claim debentures will be realised as well as to the amount much depends on the complete resumption of trade at Canton. Shanghai duties admit of an easy estimate. The average of duties on American ships and their cargoes for the last three years has been about 600.000 Taels; as this includes years of local disturbances in the South, when perhaps the trade of Shanghai was increased, it may be set down at 500.000 and of course the claim debentures appropriated to that port will be exhausted in the course of next year. At Fuh-chau, it will probably be slower, and assuming trade to begin at Canton and that it will labour under difficulties, no greater sum can be expected there. A safe computation would therefor be that in 1859, 200.000 Taels may be realised, and the balance, which will be nearly all paid at Canton, in 1860 and 1861.

This being the case and the debentures coming into circulation, tho' of course gradually, in February 1859, the first step will be for my successor, or if he do not arrive, the

Chargé

Chargé d'Affaires to select some safe depositary in China, of the debentures and their proceeds it may be for a moderate commission to be determined on at the time of the deposit. I take for granted one of the large mercantile houses in China will be selected for this agency, and it may be desirable to select one not a claimant or the creditor of a claimant. In determining this, however, great discretion will be needed, for it is the interest of the claimants, especially the smaller ones not connected with trade, and whose cases are really the hardest, that the large commercial duty paying houses here should concur to appreciate these debentures.

While this is in progress there will be time for Congress (and their attention should at once be called to it) to provide for the adjudication of the claims and a dividend among the claimants.

I am quite aware that the practice of the Government heretofore has been to have the amount of indemnities remitted to the United States and distributed there. Such a course would be disastrous to the claimants resident in China, not only in consequence of the cost of remittance, but the expense of proof. There are at least two precedents for the course I recommend, of an adjudication here. By the Convention signed in 1803 between France and the United States when Commissioners appointed by the Ministers adjudicated certain claims in France, and the Convention of 1852. with Great Britain when

the

the Commissioner sat in London.

The plan I propose is this - that Congress shall authorise the appointment by the President of two citizens of the United States resident in China who shall adjudicate all the claims of persons in China and make a distribution rateably as the amounts are realised, being authorised to direct by their decrees whether the claimant shall receive his dividend in cash or at his option in debentures at par. That the award of these Commissioners shall be conclusive or subject to appeal to the Minister and that for their services they shall be paid a moderate compensation limited to two years at furthest.

I limit the powers of this Commission to the cases of residents in China. In the tabular Statement of claims which I have appended to this despatch, you will under the head of claims suspended, see two No. 2 Sect 1. "The Caldera", another Sect. 4 No. 3. Ryder, and one not numbered that of A. Pierrepont Edwards which I presume must be adjudicated at home.

The case of the "Caldera" is the claim of New York Underwriters whose original evidence is no doubt in the United States and can be there most easily produced.

That of J. M. Ryder involves a question of law as to the rights of a claimant who had declared his intention when the injury was done but not been certificated as a citizen, on which it will be necessary to have the views

of

of the Government.

And that of Mr Edwards which was a case of personal injury received by him as far back as 1841. When his claim was first brought to my notice, he was resident in America but has since, I learn, died.

A sufficient Sum can be reserved to cover these claims, all of which are more or less doubtful, and remitted in due season to the United States for distribution.

If they be recognised and the principle of paying interest be adopted throughout, the fund will be exhausted. If they be disallowed, tho' interest be paid to all the other claimants, there will be a surplus at the disposition of the Government. I append to this despatch (Inclosure 3) a Schedule of the claims as revised.

I am without any distinct information of the intention of the Allies as to the occupation of Canton. Lord Elgin told me incidentally the other day that until he received instructions from his Government, after the arrival of the Treaties, he was unable to form any positive opinion. I have no doubt of his extreme anxiety to get rid of Canton, and none, that until it is absolutely evacuated by the military, trade will not be entirely resumed. I have called upon the Consul at Canton to report to me officially the exact condition of things, and if his answer be received in season shall forward it with this despatch. One thing is very certain that the English will do nothing permanently

to obstruct the export of tea. //

In these negociations so successfully terminated at Shanghai, I have had occasion to use an additional portion of the special contingent fund placed at my disposal. The amount is not large and the expenditure was absolutely essential. The Secretary of Legation will furnish an account of it by the next mail.

I have the honor to be

Sir

Your obedient servant

William B. Reed.

Dispatch 37. Enc. 1
Nov. 10. 1858

Legation of the United States
Shanghai, Nov 4. 1858

41 Cong. 3 Sess. 1870
Senate Ex. Doc. 50

The Undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America makes this respectful communication to their Excellencies the Imperial Commissioners

The Undersigned thinks it a propitious time, in view of the presence of their Excellencies, to bring to their attention the settlement of the American claims. At Tientsin their Excellencies agreed that one-fifth of the duties on American goods and ships at the ports of Canton Shanghai and Fuhchau, should be applied to the payment of their claims to an amount not exceeding 600,000 taels.

The Undersigned proposes to their Excellencies a plan for the immediate payment of the claims by orders being at once given on the Government bankers for the amount in the following proportions – one half at Canton, one third at Shanghai, and one sixth at Fuhchau. If this be done the Undersigned is willing to receive 525,000 taels in full discharge of all claims on the Chinese Government. If not he shall claim the execution of the former agreement to the full extent of 600,000 taels.

The Undersigned has prepared a sketch

of

of a proposed Convention, which on receiving
Your Excellencies' reply, shall be immediately
transmitted for inspection

W B Reed

To their Excellencies
Kweiliang, Hwashana, Ho Kwei-fang,
Shingshen and Twan
Imperial Commissioners,
&c &c &c

Dispatch 37. Inc 2.
Nov 10. 1858

2

41 Cong. 2 Sess. 1870
Senate Ex. Doc. 58

Kweiliang, Hwashana, to Kwei-fang, Hingshen and Iwan, Imperial Commissioners, &c. &c. &c. herewith send their reply.

They have received Your Excellency's dispatch, in which you state, that as the claims of American citizens for indemnity for losses are not to exceed the sum of 600,000 taels, you propose a plan for their payment by orders given on the government bankers for the amount in the following proportions — one half at Canton, one third at Shanghai, and one sixth at Tuhchau; and that if this be done you are willing to reduce the total amount of claims to 525,000 taels for all demands, &c &c

This proposition has been carefully examined by us, and we are also now engaged in examining the reclamations of the English and French for losses, and adjusting the manner of payment; but we acknowledge the consideration and kindness of your Excellency in this matter, in that you have of your own accord reduced the first amount of claims, and now place the total at 525,000 taels. We have taken the matter into full consultation, and propose that, if a further reduction of 25,000 taels be made, fixing the total amount at five hundred thousand taels, then custom-house certificates can be issued at Canton, Shanghai and Tuhchau, dating from the first day of our next year (Feb. 3. 1859), which can be successively applied to the gradual

payment of the entire sum. The custom. house at Canton shall pay three hundred thousand tails. and those of Shanghai and Fuhchau each one hundred thousand.

If your Excellency will acconsider this proposal, and draw out the scheme of a convention based upon it, and send it to us for examination, we then can arrange for an interview at which the whole matter can be settled in accordance thereto. For this purpose we now send this reply.

To His Excellency Wm B. Reed
Envoy Extraordinary and Minister Plenipotentiary of the United States to China

Nov. 6. 1858

Dispatch 37 - Inc 2
Nov. 10. 1858

Amended Schedule of Pecuniary Claims of American Citizens against the Chinese Government, supplementary to the Schedule inclosed in Dispatch No. 7 (Feb. 1. 1858) discriminating between the actual losses and the contingent and speculative claims grounded on them.

Claimants and Nature of Claims	Claims for actual Losses allowed	Speculative Claims suspended	Total allowed with interest
Sect. 1 — Claims unsettled prior to Oct. 1856			
1. Rev I J Roberts, settled at 1000 Taels in 1847	$1400.00		
Do for destruction in Canton in 1857	1450.00		
3. Rev R S Maclay, settled at Fuhchau in 1852	213.46		
5. S. Dienker, balance of award in 1856	1902.51		$4965.97
Int. at 12% per ann. 3 yrs & more			2786.20
Total of Sect. 1.			$ 7752.17
Sect. 2. Losses caused by bombardment of Canton by the English. Oct. 29. 1856			
1. Rev Dyer Ball, books, furniture burned	$ 409.50		
2. Rev. John B. French Do Do	1800.00		
3. Rev. C. F. Preston Do Do	774.00		
4. Rev A P Happer Do Do	1315.25		
5. Presbyterian Mission Board. School apparatus	2472.00		$6770.75
Interest at 12% per ann.			2437.47
Total of Sect. 2			$ 9208.22

Amended Schedule – Continued

Claimants and Nature of Claims	Claims for actual losses allowed	Speculation Claims Suspended	Total claimed with int.
Sect. 3. Losses caused by burning the Foreign Factories at Canton, Dec. 14. 1856			
1. O. H. Perry, furniture, silverware &c burned	$ 971.00		
2. Mission of A. B. C. F. M. printing office &c	17,598.00		
3. Medical Missionary Society, furniture	270.00		
4. S. W. Williams, type, furniture	5700.00	3000.00	
5. Wetmore &C° furniture &c boat	599.00		
6. W W Cuyler furniture	695.54	200.00	
7. S. Robertson — D°	638.50		
8. King &C° expenses of removing, goods	2000.00	33.391.10	
9. A Heard &C° house, furniture, demurrage	15,395.00	30,760.15	
11. A. J. Case, clothing	1200.00		
12. Russell &C° furniture, demurrage	2250.00	5000.00	
13. J. Walsh, furniture, goods, commissions	3503.00	4995.82	
14. J Read Smith, furniture	1650.00		
15. H. S. Green D°	400.00		
16. Geo. Tyson D°	570.00		
22. D° as Sec. of Am. Billiard club	1910.00		
18. W C Hunter, furniture, commissions &c	2699.00	4,180.95	
19. Alvord &C° D° D°	12041.00	18142.00	
24. James Purdon &C° furniture	12942.50		
D° D° house in Canton	5710.00		
D° D° goods in warehouse	98507.60		
Amts carried up	$186,390.11	99,672.02	

Amended Schedule - Continued

Claimants and Nature of Claims		Claims for actual losses allowed	Sums of Claims Suspended	Total allowed with interest
Sect. 3. Continued	Amts. brot. up	$ 186,390.14	$ 99,672.00	
24. James Purdon & Co:	Ginseng del: not paid for	11,550.00		
Do Do	Do: spoiled 22 csks	9930.00		
	Various other claims, in all		76,514.33	
25. Rev C W Gaillard,	furniture burned	822.40		
26. Rev R H Graves	Do Do	769.25		
27. Southern Baptist mission,	house, library	2496.14		
29. Rev D Vroomaw,	furniture	200.00		
Hon Humphrey Marshall,	furniture	800.00		
Rev Peter Parker	Chinese books	200.00		213,157.93
	Int. 12% for three years			76,736.85
	Totals of Sect. 3		$ 176,186.45	289,894.78
Sect. 4 - Losses at Whampoa caused by Chinese, 1857				
1. P. Hunt & Co:	Dock destroyed, fixtures	$ 80,000.00		
Do	materials	53,020.19		
Do:	two floating dwellings	6200.00		
Do	Schooner & cargo seized	4648.00		
Do:	removal, damage &c	9010.00		
	Various other claims, in all		111,094.31	
2. H. P. Blanchard,			3500.00	
James B. Endicott,	timber	14,000.00		
4. F. Cady,	house, goods &c	19817.00	9000.00	
20. Steamer "Willamette"			14,227.00	
21. Smith & Lawrence			18,000.00	
Seamens floating Bethel,	destroyed.	7000.00		181,095.19
	Int. 12% for 3 years			65,194.26
	Totals of Sect. 4		$ 155,821.31	246,289.45

Summary of preceding Schedule of Claims.

Sect. 1 –	Totals of allowed claims & interest	$ 7,752.17
" 2	Do " " "	9208.22
" 3	Do " " "	289894.78
" 4	Do " " "	246,289.45
	Totals	$ 554,144.62
	Total of Speculative claims	332,007.67

Additional Claims not decided upon, nor entered in above

Sect. 1 – N°. 2	Underwriters of "Caldera"	$100,000.00
	M. Rooney, master of "Caldera"	4.750.00
Sect. 3. N°. 10.	P. L. Everett, unattested	6500.00
N°. 17.	W M Robinet & C°.	200,365.49
Sect. 4. N°. 3.	G M Ryder	14,128.00
	A. H. P. Edwards for personal wrong suffered in 1841 – Amt. not stated	
	Totals ...	$325,743.49

Total of all claims now stated $1,211,895.78

Amt. stated in Feb. 1. 1858 was ... 1,286,841.88

N. B. The total of actual losses, including interest at 12% per. ann. for 3 years, on the above is $554,144.62

add "Caldera's" claim & int. 142,460.00 $696,604.62

Two of the claimants (Messrs W M Robinet & G M Ryder) have still to prove their citizenship, and their claims are therefore still undecided upon.

Copy to Clerk of Court of Claims Aug. 20. 1863

5

Sketch of an Act to carry into effect the Convention between the United States and China, concluded at Shanghai on the 8th of November, 1858

Sect. – That the Minister, or Chief Diplomatic officer of the United States in China, shall, so soon as the Chinese revenue officers issue the debentures or duty receipts provided for in the Convention, select some proper Depositary of the same in China, making such compensation as he shall think right; the said debentures or their proceeds being subject to the appropriation hereinafter provided.

Sect. – That the President, by and with the advice and consent of the Senate, shall appoint two Commissioners who shall form a Board in China to receive and examine all claims which may be presented to them under the said Convention, according to the provisions of the same, the principles of justice and international law:

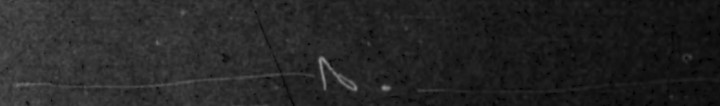
Sect. – That the Board so constituted shall meet at such time and place as shall be designated by the Chief Diplomatic Officer in China, and within one year from the time of said meeting shall terminate their duties

Sect. – That the compensation of the said Commissioners shall be Three Thousand dollars per annum, and the President of the United States is authorized to make such provision for the contingent expenses of the Commission as shall appear to him necessary and proper, and the said salaries and expenses shall be paid out of any moneys in the Treasury not otherwise appropriated.

Sect. – That the said Commissioners shall report to the chief diplomatic Officer in China the several awards made by them to be approved by him, a copy of which shall be by him transmitted to the depositary of the debentures, or the proceeds as hereinbefore provided, who shall thereupon distribute in rateable proportion

the said debentures or their proceeds, according to the direction of the said Diplomatic Officer.

Sect. – That so soon as the said Commission shall be executed and completed, the records and documents, and all other papers in the possession of the Commissioners relating to the same, shall be deposited in the office of the Secretary of State.



Rec 10. Feb. Mr Derrick

Official No 38

Legation of the United States
On Board the "Minnesota"
At Sea. November 12. 1858

Sir,

His Excellency Baron Gros has handed to me a copy of the Treaty recently concluded on the part of the Emperor of the French with the Emperor of Japan and I now have the honor to forward it to you.

Baron Gros did not go to Simoda after his visit to Yedo and therefore had no opportunity of apprising Mr Harris of his Treaty.

Very little news that can be relied on has reached us from the French and Spanish expedition to Cochin China. The port of Turon has been taken and is now occupied by the new Allies, the Anamese have retired maintaining a sort of feeble guerilla warfare and disease is doing its deadly work among the French. The expedition is wholly in charge of military.

I have the honour to be
Sir,
Your obedient servant
(signed) William B. Reed

Honble Lewis Cass
Secretary of State. Washington.

Confidentiel
(signé) Bon Gros.

Sa Majesté l'Empereur des Français, et sa Majesté l'Empereur du Japon, voulant établir entre les deux Empires les rapports les plus intimes, et les plus bienveillants, et faciliter les relations commerciales entre leurs sujets respectifs, ont résolu, pour régulariser l'existence de ces relations, pour en favoriser le développement et en perpétuer la durée, de conclure un traité de paix, d'amitié, et de commerce, basé sur l'intérêt réciproque des deux pays; et ont, en conséquence nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté l'Empereur des Français, le Sieur Jean Baptiste, Louis, Baron Gros, Grand officier de l'ordre Impérial de la Légion d'honneur, etc. etc. etc., et Sa Majesté l'Empereur du Japon

Midzuno Tikgouno Kami
Nagaï Iguenbanio Kami
Yonoüe Schinanow Kami
Hori Oribeno Kami
Touaché Tsigouno Kami
Kanaï Sakio Kami

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Article Premier

Il y aura paix perpétuelle et amitié constante entre Sa Majesté l'Empereur des Français, ses héritiers et

successeurs, et Sa Majesté l'Empereur des Japon, comm
aussi entre les deux Empires sans exception de personn
ni de lieux. Leurs sujets jouissant tous également d
les États respectifs des hautes parties contractantes d'u
plein et entière protection pour leurs personnes et leu
propriétés.

Article Deux.

Sa Majesté l'Empereur des Français pourra nomm
un agent Diplomatique, qui résidera dans la vill
de Yédo, et des consuls, ou des agents consulaires
résideront dans les ports du Japon, qui, en vertu
présent traité, sont ouverts au commerce français.

L'Agent Diplomatique et le Cons
Général de France au Japon, auront le droit de v
ger librement dans toutes les parties de l'Empire.

Sa Majesté, l'Empereur du Japo
pourra, de son côté, envoyer un agent diplomatiq
qui résidera à Paris, et des consuls, ou des agents
consulaires, qui résideront dans les ports de l'Emp
Français.

L'Agent Diplomatique et le co
Général du Japon en France auront le droit de
voyager librement dans toutes les parties de l'Emp
Français

Article Trois.

Les villes et ports de Hakodadi, Kanagawa

Nagasaki seront ouverts au commerce et aux sujets Français, à dater du quinze Août, mil-huit-cent-cinquante neuf, et les villes et les ports, dont les noms suivent, le seront aux époques déterminées ci-après:

Nee-e-gata, ou, si cette ville n'a pas un port d'un accès convenable, un autre port situé sur la côte Ouest de Nipon, sera ouvert à dater du premier Janvier mil-huit-cent-soixante-trois.

et Hiogo à partir du premier Janvier mil-huit-cent-soixante-mil-huit-cent-soixante,

Dans toutes ces villes et dans leurs ports, les sujets français pourront résider en permanence dans l'emplacement déterminé à cet effet; ils auront le droit d'y affermer des terrains, et d'y acheter des maisons, et ils pourront y bâtir des habitations et des magasins; mais aucune fortification, ou place forte militaire n'y sera élevée sous prétexte de construction de hangards ou d'habitations, et pour s'assurer que cette clause est fidèlement exécutée, les autorités Japonaises compétentes auront le droit, d'inspecter de temps à autre les travaux de toute construction, qui serait élevée, changée, ou réparée dans ces lieux.

L'emplacement, que les sujets français occuperont, et dans lequel ils pourront construire leurs habitations, sera déterminé par le consul Français de concert avec les autorités Japonaises compétentes de chaque lieu; il en sera de même pour les règlements de port, et si le consul et les autorités locales

ne parviennent pas à s'entendre à ce sujet, la ques
sera soumise à l'agent diplomatique français et au
autorités Japonaises, qui la termineront de commun
accord.

Autant des lieux, où résideront les sujets f
çais, il ne sera élevé ni placé par les autorités Jap
ses ni murs, ni barrière, ni clôture, ni tout autre obst
qui pourrait entraver la libre sortie ou la libre entrée
ces lieux.

Les sujets français seront libres de se rend
où bon leur semblera, dans l'enceinte formée par les
limites désignées ci-après:

de Kanagaoua ils pourront se rendre
jusqu'à la rivière Logo, qui se jette dans la ba
de Yedo entre Kouasaki et Sinagawa, et dans t
autre direction, jusqu'à une distance de dix ri,

d'Hakodadi ils pourront aller à une
distance de dix ris dans toutes les directions.

de Hiogo à dix ris, aussi dans tou
les directions, excepté vers Kioto, ville dont on ne
pourra s'approcher qu'à une distance de dix ris. L
équipages des bâtimens français, qui se rendront à
Hiogo, ne pourront pas traverser la rivière Sinaga
qui se jette dans la baie de Sessin entre Hiogo
Osaca.

Les distances seront mesurées par terr

à partir du Goyosso ou Yacousio de chacun des ports sus-nommés, le ri équivalent à 3910 mètres.

À Nagasaki les sujets français pourront se rendre partout dans le domaine Impérial du voisinage.

Les limites de Kei-e-gata ou du port, qui pourrait lui être substitué, seront déterminées par l'agent diplomatique français, de concert avec les autorités compétentes du Japon.

À partir du premier Janvier mil-huit-cent-soixante deux, les sujets français seront autorisés à résider dans la ville de Yédo et à dater du premier Janvier mil-huit-cent-soixante-trois dans la ville d'Osaka; mais seulement pour y faire le commerce. Dans chacun de ces deux villes un emplacement convenable, dans lequel les français pourront affermer des maisons, sera déterminé par l'agent diplomatique français, d'accord avec le gouvernement Japonais, et ils conviendront aussi des limites, que les français ne devront pas franchir autour de ces villes.

Article Quatre.

Les sujets Français au Japon auront le droit d'exercer librement leur religion et, à cet effet, ils pourront y élever dans le terrain destiné à leur résidence des édifices convenables à leur culte, comme églises, chapelles, cimetières, etc. etc. etc.

Le gouvernement Japonais a déjà aboli dans l'
pire l'usage des pratiques injurieuses au Christianis

Article Cinq.

Tous les différends, qui pourraient s'élever entre f
çais au sujet de leurs droits, de leurs propriétés, ou
leur personne dans les domaines de S. M. l'Empere
du Japon, seront soumis à la juridiction des autor
françaises, constituées dans le Pays.

Article Six

Tout Japonais, qui se rendrait coupable de quelq
acte criminel envers un sujet français, serait arrêté
et puni par les autorités Japonaises compétentes,
conformément aux lois du Japon.

Les sujets français, qui se rendraient c
pables de quelque crime contre les Japonais ou cont
des individus, appartenant à d'autres nations, seron
traduits devant le Consul de France, et punis co
formément aux lois de l'Empire français.

La justice sera équitablement et impa
tialement administrée de part et d'autre.

Article Sept.

Tout sujet Français, qui aurait à se plaindre d
Japonais, devra se rendre au consulat de France
et y exposer sa réclamation.

Le consul examinera ce qu'elle au
de fondé, et cherchera à arranger l'affaire à l'amia

De même, si un Japonais avait à se plaindre d'un sujet français, le consul de France l'écoutera avec intérêt, et cherchera à arranger l'affaire à l'amiable. Si des difficultés survenaient, qui ne puissent pas être applanies, ainsi par le consul, ce dernier aura recours à l'assistance des autorités Japonaises compétentes, afin que, de concert avec elles il puisse examiner sérieusement l'affaire, et lui donner une solution équitable.

Article Huit

Dans tous les ports du Japon, ouverts au commerce, les sujets français seront libres, d'importer de leur propre pays ou des ports étrangers, et d'y vendre, d'y acheter, et d'en exporter pour leurs propres ports ou pour ceux d'autres pays, toute espèce de marchandises, qui ne seraient contrebande, en payant les droits stipulés dans le tarif annexé au présent traité, et sans avoir à supporter d'autre charge.

A l'exception des munitions de guerre, qui ne pourront être vendues, qu'au Gouvernement Japonais et aux étrangers, les Français pourront librement acheter des Japonais, et leur vendre tous les articles, qu'ils auraient à vendre ou à acheter, et cela sans l'intervention d'aucun employé Japonais, soit dans cette vente ou dans cet achat, soit aussi en effectuant ou en recevant le payement de ces transactions.

Tout Japonais pourra acheter, vendre, garder
faire usage de tout article, qui lui serait vendu
par des sujets français.

Le gouvernement Japonais n'app
lera aucun obstacle à ce que les français résidant
au Japon puissent prendre à leur service des sujet
Japonais, les employer à toute occupation, que le
lois ne prohibent pas.

Article Neuf.

Les articles réglementaires de commerce annexé
au présent traité seront considérés comme en form
partie intégrante, et ils seront également obligat
pour les deux hautes parties contractantes, qui l'ont
signé.

L'Agent diplomatique français au Ja
de concert avec les fonctionnaires, qui pourraient êt
désignés à cet effet par le Gouvernement Japo
auront le pouvoir, d'établir dans tous les ports
ouverts au commerce, les réglements, qui seraie
nécessaires, pour mettre à exécution les stipula
tions des articles réglementaires de commerce a
annexés.

Article Dix.

Les autorités Japonaises dans chaque por
adopteront telles mesures, qui leur paraîtront
plus convenable, pour prévenir la fraude et la cont
bande.

Toutes les amendes et les confiscations imposées par suite d'infractions au présent traité et aux réglements commerciaux, qui y sont annexés, appartiendront au gouvernement de S. M. l'Empereur du Japon.

Article Onze

Tout bâtiment marchand Français arrivant devant l'un des ports ouverts du Japon, sera libre, de prendre un pilote, pour entrer dans le port, et, de même, lorsqu'il aura acquitté toutes les charges, et tous les droits, qui lui auraient été légalement imposés, et qu'il sera prêt à partir, il sera libre de prendre un pilote, pour sortir du port.

Article Douze.

Tout négociant français, qui aurait importé des marchandises dans l'un des ports ouverts du Japon, et payé les droits exigés, pourrait obtenir des chefs de la douane Japonaise un certificat, constatant, que ce payement a eu lieu, et il lui serait permis alors d'exporter son chargement dans l'un des autres ports ouverts du Japon, sans avoir à payer de droit additionel d'aucune espèce.

Article Treize.

Toutes les marchandises importées dans les ports ouverts du Japon, par des sujets français, et qui auraient payé les droits fixés par ce traité, pourront être transportées par les Japonais dans toutes les

parties de l'Empire, sans avoir à payer aucune taxe, ni aucun droit, de transit de régie, ou de toute autre nature.

Article Quatorze.

Toute monnaie étrangère aura cours au Japon, passera pour la valeur de son poids, comparé à celui de la monnaie Japonaise analogue.

Les sujets français et Japonais pourront librement faire usage des monnaies Japonaises ou étrangères dans tous les payements, qu'ils auront à se faire réciproquement.

Comme il s'écoulera quelque tems, avant qu'au moment, où le gouvernement Japonais connaîtra exactement la valeur des monnaies étrangères, les autorités Japonaises compétentes fourniront aux sujets français pendant l'année, qui suivra l'ouverture de chaque port, de la monnaie Japonaise en échange à poids égal, et de même nature, que celle qu'ils leur donneront, et sans avoir à payer de prime pour le nouveau monnayage.

Les monnaies Japonaises de toute espèce, à l'exception de celle de cuivre, pourront être exportées du Japon, aussi bien, que l'or et l'argent étrangers, non monnayés.

Article Quinze.

Si les chefs de la douane Japonaise n'étant

pas satisfaits de l'évaluation donnée par les négo-
ciants à quelques unes de leurs marchandises, ces fonc-
tionnaires pourraient en estimer le prix et offrir de les
acheter au taux, ainsi fixé. Si le propriétaire refu-
sait d'accepter l'offre, qui lui aurait été faite, il aurait
à payer aux autorités supérieures de la douane les
droits proportionnels à cette estimation. Si au contraire,
l'offre était acceptée, la valeur offerte serait immé-
diatement payée au négociant sans escompte ni rabais.

Article Seize.

Si un bâtiment français venait à naufrager ou à être
jeté sur les côtes de l'Empire du Japon, ou s'il était
forcé de chercher un refuge dans quelque port des
domaines de S. M. l'Empereur du Japon, les autorités
Japonaises compétentes ayant connaissance du fait,
donneraient immédiatement à ce bâtiment toute
l'assistance possible. Les personnes du bord seraient
traitées avec bienveillance et on leur fournirait si cela
était nécessaire, les moyens de se rendre au Consulat
français le plus voisin.

Article Dix-sept.

Des fournitures à l'usage des bâtiments de guerre
français pourront être débarquées à Kanagawa à
Hiogo et à Nagasaki, et placées en magasin à
terre, sous la garde d'un employé du gouvernement
français, sans avoir à payer de droits; mais si ces

fournitures étaient vendues à des Japonais ou à
étrangers, l'acquéreur paierait aux autorités Japona
compétentes la valeur des droits, qui y seraient ap

Article Dix-huit.

Si quelque Japonais venait à ne pas payer ce qu'il
à des sujets français, ou s'il se cachait frauduleusem
les autorités Japonaises compétentes feraient tout ce
dépendrait d'Elles pour le traduire en justice et pou
tenir de lui le paiement de sa dette, et si quelque sujet
çais se cachait frauduleusement, ou manquait à pay
ses dettes à un Japonais, les autorités françaises fera
de même tout ce qui dépendrait d'Elles, pour amener
délinquant en justice et le forcer à payer ce qu'il de
Si les autorités françaises, ni les autorités Japonai
ne seront responsables des paiement de dettes contract
par des sujets français ou Japonais.

Article Dix-neuf

Il est expressément stipulé, que le gouvernem
français et ses sujets jouiront librement à dater d
jour où le présent traité sera mis en vigueur, de
les privilèges, immunités et avantages, qui ont été
ou qui seraient garantis à l'avenir par S. M. l'E
pereur du Japon au gouvernement ou aux sujets de
toute autre nation.

Article Vingt.

Il est également convenu, que chacune des deux ha

parties contractantes pourra, après en avoir prévenu l'autre, une année d'avance, à dater du quinze Août mil-huit-cent-soixante douze, ou après cette époque, demander la révision du présent traité, pour y faire les modifications, où y insérer les amendements, que l'expérience aurait démontré nécessaire.

Article Vingt-un

Toute communication officielle, adressé par l'agent diplomatique de S.M. l'Empereur des français aux autorités Japonaises sera, dorénavant écrite en français. Cependant pour faciliter la prompte expédition des affaires, ces communications, ainsi que celles des consuls de France au Japon, seront, pendant une période de cinq années, à dater de la signature du présent traité, accompagnées d'une traduction Japonaise.

Article Vingt deux & dernier.

Le présent Traité de paix, d'amitié et de commerce sera ratifié par S.M. l'Empereur des français et par S.M. l'Empereur du Japon, et l'échange de ces ratifications aura lieu à Yedo, dans l'année, qui suivra le jour de la signature.

Il est convenu entre les hautes parties contractantes, qu'au moment où le traité sera signé, les Plénipotentiaire français remettra aux Plénipotentiaires Japonais deux textes en français du présent traité, comme de leur côté les Plénipotentiaires Japonais en remettront au Plénipotentiaire français deux textes en Japonais. Les quatre documents ont le même sens, et la même portée, mais pour plus de

précision, il a été convenu, qu'il serait annexé à chacun
d'eux une version en langue hollandaise, qui en serait la t
duction exacte, attendu que de part et d'autre, cette lang
peut être facilement comprise, et il est également convenu
que dans le cas, où interprétation différente serait donnée
même article Français & Japonais, ce serait alors le
sion hollandaise, qui ferait foi.—

Il est aussi convenu, que la version holl
daise ne différera en aucune manière, quant au fond,
textes hollandais, qui font partie des traités conclus pré
ment par le Japon avec les Etats unis d'Amérique, l'Ang
et la Russie. Dans le cas, où l'échange des ratifica
n'aurait pas eu lieu avant le quinze Août mil-huit-c
cinquante neuf, le présent traité n'en sera pas moins mis
exécution à dater de ce jour là.

En foi de quoi les Plénipotentiaires resp
ont signé le présent traité, et y ont apposé leurs cachets

Fait à Yédo, en quatre expéditions
neuf Octobre mil-huit-cent-cinquante huit, corres
dant au troisième jour du neuvième mois de la cin
année de Ansei Tsingo Anchei, dite l'année du cheval.

Suivent les signatures.

Réglemens Commerciaux.

1re. Réglement.

Dans les quarante huit heures, qui suivront l'arrivée d'un bâtiment Français, dans l'un des ports Japonais ouverts au commerce français, le capitaine, ou le commandant de ce bâtiment remettra à la douane Japonaise le rôle du bord de France, qui prouvera, qu'on a déposé chez lui tous les papiers du bord, les connaissements etc. et le capitaine ou le commandant annoncera alors l'entrée de son navire en douane, en remettant une déclaration écrite, qui fera connaître le nom du navire, et celui du port d'où il provient, son tonnage, le nom de son capitaine ou commandant, le nom des passagers, s'il y en a, et le nombre de personnes qui composent son équipage. Cette déclaration sera certifié véritable par le capitaine ou le commandant et sera signé par lui. Il déposera en même temps un manifeste de son chargement, indiquant le nombre et la marque des colis qui le composent leur contenu tel qu'il est détaillé dans les connaissements, avec le nom de la personne ou des personnes auxquelles ces colis sont adressés, une liste des provisions du bord sera jointe au manifeste. Le capitaine, ou le commandant certifera que ce manifeste contient la description exacte de toute la cargaison et des provisions du bâtiment et le signera de son nom. Si une erreur est reconnue, comme ayant été commise dans le manifeste, elle pourra être corrigée dans les vingt-

quatre heures (Dimanches exceptés) sans qu'elle puisse
ner lieu au paiement d'aucune amende ; mais si une
ration ou une déclaration tardive dans le manifeste et
faite après ce laps de temps, une amende de quatre
cent francs serait imposée au délinquant.

Toutes les marchandises non déclarées
le manifeste paieront un double droit au moment de
débarquement. Tout capitaine ou commandant d
bâtiment marchand français, qui négligerait de d
clarer l'entrée de son navire en douane Japonaise dan
le temps prescrit par ce règlement, paiera une amende
trois-cent-vingt-quatre Francs par chaque jour de
apporté à la déclaration à faire.

Deuxième Règlement.

La douane Japonaise aura le droit, de placer ses
ployés à bord de tout bâtiment entré dans le port (
navires de guerre exceptés). Tous ces employés de la
douane seront traités avec égard, et toutes les facil
qu'on pourra leur accorder, leur seront données.

Aucune marchandise ne sera débarq
avant le lever du soleil, ni après son coucher, sans une
permission spéciale des autorités de la douane, et la
et les autres issues du bâtiment, qui mènent au lieu
se trouve renfermée la cargaison, seront gardées par
officiers Japonais, pendant les heures comprises entre le l
et le coucher du soleil, au moyen de scellés de serrure

d'autres fermetures, et si, sans en avoir la permission, quelqu'individu ouvrait l'une de ces issues, qui auraient été fermées, ou brisait les scellés, les serrures ou les autres fermetures apposés par les employés de la douane Japonaise, il serait passible d'une amende de trois-cent-vingt-quatre francs pour chaque infraction.

Toutes les marchandises, qui seraient débarquées d'un bâtiment, sans avoir été légalement déclarées à la douane Japonaise, ainsi qu'il est dit ci-dessus, seraient confisquées après enquête et preuve acquise.

Les colis de marchandises disposés avec l'intention de frauder le revenu du Japon, en cachant des articles de valeur, qui ne seraient pas déclarés dans le manifeste d'entrée, seront confisqués.

Si quelque bâtiment français faisait la contrebande, ou cherchait à introduire des marchandises dans les ports du Japon, qui ne sont encore fermés, ces marchandises seraient confisquées au profit du gouvernement Japonais et le bâtiment serait imposé à une amende de cinq-mille-quatre-cents francs pour chaque contravention.

Les bâtiments, qui auraient besoin de réparations, pourront, à cet effet, débarquer leur cargaison sans avoir à payer aucun droit. Toutes les marchandises ainsi débarquées seraient placées sous la garde des autorités Japonaises, et toutes les dépenses à faire, pour magasinage, travaux et surveillance seraient payés. Mais,

si une partie de cette cargaison était vendue, les d
légaux devraient être payés pour la partie, dont on a
disposé. Les cargaisons pourront être transbordées
sur un autre bâtiment, mouillé dans le même port, s
avoir à payer aucun droit. Mais tout transborde
devra être fait sous la surveillance des employés
nais, et après que les autorités de la douane aur
acquis la preuve de la bonne foi de la transacti
et lorsque ces autorités auront aussi donné la p
mission, d'opérer le transbordement.

L'importation de l'Opium éta
prohibé; tout bâtiment français, arrivant au
pour y faire le commerce, et ayant plus de tro
catties d'Opium à bord, pourra voir le surplus de
cette quantité confisquée et détruit par les autor
Japonaises, et tout individu, faisant ou essayan
de faire la contrebande d'Opium, sera passible d
amende de quatre-vingt-un francs par chaque cat
d'Opium, entré ainsi en contrebande.

Troisième Règlement.

Le propriétaire, ou le consignataire de march
dises, qui voudrait les débarquer, en fera la décla
tion à la douane Japonaise. Cette déclaration se
écrite, et contiendra le nom de la personne, qui fer
l'introduction, et celui du bâtiment, où se trouve
les marchandises, ainsi que le nombre et la marq

des colis. Le contenu et la valeur de chaque colis seront constatés séparément sur la même feuille, et à la fin de la déclaration on additionnera la valeur de toutes les marchandises, qui composeront l'entrée en douane. Sur chaque déclaration le propriétaire ou le consignataire certifiera par écrit, qu'elle contient la valeur actuelle des marchandises, et que rien n'a été dissimulé pour nuire à la douane Japonaise. Le propriétaire ou le consignataire signera ce certificat.

La facture, ou les factures des marchandises ainsi introduites, seront présentées aux autorités de la douane, et resteront entre leurs mains, jusqu'à ce que ces autorités aient examiné les marchandises mentionnées dans la déclaration. Les employés Japonais pourront vérifier un ou plusieurs de ces colis, ainsi déclarés, et à cet effet, ils les feront transporter à la douane, s'ils le veulent; mais cette visite ne devra causer aucune dépense à l'introducteur, ni porter préjudice aux marchandises, et après leur examen les Japonais replaceront ces marchandises dans les colis, et autant que possible dans l'état, où elles se trouvaient primitivement. Cette visite devra être faite sans perte de tems.

Si quelque propriétaire ou introducteur de marchandises s'apercevait, qu'elles ont été avariées pendant le voyage d'importation, avant qu'elles ne lui

aient été déliorées, il pourra notifier aux autorité
la douane les avaries survenues, et ces marchandises a
seront évaluées par deux ou par plusieurs personnes c
jurées et désintéressées, qui; après mûr examen d
verront un certificat, faisant connaître le montant
tant pour cent des avaries éprouvées dans chaque co
séparément, en le décrivant par ses marques et num
Ce certificat sera signé par les experts en présence
employés de la douane, et l'introducteur annexe
ce certificat à son manifeste, en y faisant les rév
tions convenables; mais ce fait n'empêchera pas les
ployés de la douane de s'approprier ces marchand
selon les formes indiquées dans l'article quinze d
présent traité, auquel ces réglements sont annexés.

Lorsque les droits auront été payés, le
priétaire recevra l'autorisation de reprendre ses march
dises soit qu'elles se trouvent à la douane, soit qu'elles n'ai
pas quitté le bord. Toutes les marchandises destin
à être exportées, passeront par les douanes japonaises,
d'être transportées à bord. La déclaration d'entrée se
faite par écrit, et contiendra le nom du bâtiment, su
quel elles devront être exportées avec le nombre de
colis, leur marque, et la déclaration de la valeur de
contenu. La personne, qui exportera ces marchandi
certifiera par écrit, que sa déclaration est un expos
sincère de toutes les marchandises, dont elle fait mon
et il la signera.

Toutes les marchandises, qui seraient embarquées à bord d'un bâtiment pour être exportées, avant d'avoir passé par la douane, et tous les colis, qui contiendraient des articles prohibés, seront saisis par le gouvernement Japonais. Il ne sera pas nécessaire, de faire passer en douane les provisions destinées à l'usage des bâtiments français de leurs équipages, et de leurs passagers, ni les effets d'habillement des passagers.

Quatrième Règlement.

Les bâtiments français, qui voudront être expédiés par la douane, la préviendront vingt-quatre heures d'avance, et à l'expiration de ce terme, ils auront le droit de recevoir leurs expéditions, mais si elles leur étaient refusées par la douane, les employés de cette administration devraient immédiatement en informer le capitaine ou le consignataire du bâtiment, et lui faire connaître les raisons de ce refus; ils feront la même déclaration au Consul.

Les navires de guerre français pourront librement entrer dans le port, et en sortir sans avoir à présenter de manifeste. Les employés de la douane et de la police n'auront pas le droit de visiter ces bâtiments. Quant aux navires français, qui porteraient les malles, ils devront entrer en douane et y être expédiés le même jour, et ils n'auront à présenter de manifeste, que pour les passagers et les marchandises, qu'ils auraient à débarquer.

Les baleiniers français relâchant, pour avoir

des provisions, et les bâtiments français en détresse, ne s
pas tenus de fournir un manifeste de leur cargaison ;
s'ils veulent, plus tard, faire le commerce, ils auront
en donner un, en observant les formalités prescrites pa
premier règlement. Le mot bâtiment, quelle que soi
place, qu'il occupe dans ce traité et dans son annexe,
sera toujours navire, trois mats barque, Brick, g
sloop, ou bâtiment à vapeur.

Cinquième Règlement.

Tout individu, qui signerait une fausse déclaration
sans certificat dans l'intention de frauder le revenu do
paiera une amende de Six-cent-soixante et quinze
pour chacune des infractions, qu'il aurait commises.

Sixième Règlement.

Aucun droit de tonnage ne sera perçu sur les bâtimen
français dans les ports du Japon, mais les taxes suivan
seront payées par eux à la douane Japonaise.-

Pour l'entrée d'un bâtiment, quatre-vingt-
Pour l'expédition d'un bâtiment, trente-sept francs, quatre-
centimes.

Pour chaque permis délivré
Pour chaque bulletin de santé } huit francs dix
Pour tout autre document

Septième Règlement.

Les droits à payer au gouvernement Japonais sur tout
les marchandises débarquées dans ce pays le seront confo
mément au Tarif suivant.

Première classe.

Tous les articles contenus dans cette classe seront libres de droits : l'or et l'argent, monnayé ou non, les vêtements de toute sorte en usage dans le moment. Les ustensiles de ménage, et les livres imprimés, non destinés à être vendus, mais étant la propriété de personnes venant résider au Japon.

Deuxième classe.

Un droit de cinq pour cent sera payé sur les articles suivants : Tous les matériaux employés à la construction, au gréement, aux réparations ou à l'équipement des bâtiments.

Les appareaux de toute espèce pour la pêche de la baleine. Les provisions salées de toute sorte ; le pain et ses analogues ; les animaux vivants de toute espèce. Le charbon, les bois de construction pour maisons, le riz, le millet, les machines à vapeur, le zinc, le plomb, l'étain, la soie écrue, les étoffes de coton et de laine.

Troisième classe.

Un droit de trente cinq pour cent sera payé sur toutes les liqueurs enivrantes, soit qu'elles aient été préparées par distillation, par fermentation ou de toute autre manière.

Quatrième classe.

Toutes les marchandises, non comprises dans les classes précédentes paieront un droit de vingt pour cent.

Tous les articles de production Japonaise, qui seront exportés comme chargement, paieront un droit de cinq pour cent à l'exception de l'or et de l'argent monnayé, et du cuivre en barre.

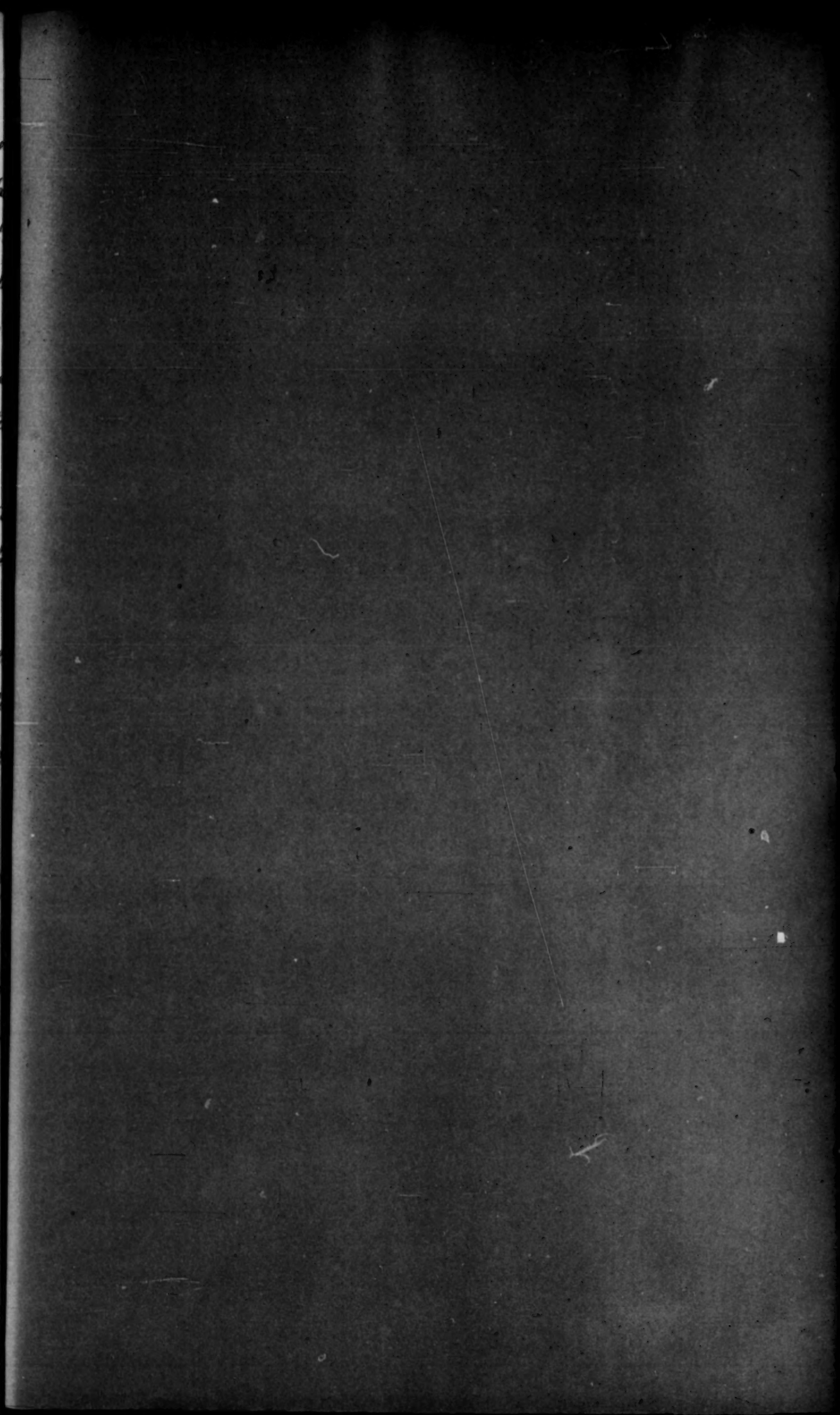
Le riz et le blé récoltés au Japon ne seront pas expo
comme chargement, mais tous les sujets français, résida
Japon, et les bâtiments français pour leurs équipages et
passagers pourront recevoir une provision suffisante de ces d

Les grains étrangers, apportés dans l'un
port ouvert au Japon par un bâtiment français pou
être exportés sans obstacle, s'ils n'ont pas été en partie
barqués.

Le gouvernement Japonais vendra de te
à autre aux enchères publiques une certaine quantité d
formant l'excédant de ses exploitations.

Cinq années après l'ouverture du port
Kanagawa, les droits d'importation et d'exportati
pourront être modifiés, si l'un ou l'autre des deux gou
vernements de France ou du Japon le désire.

Fait à Yédo, en quatre expéditions, le
neuf Octobre, mil-huit-cent-cinquante-huit, cor
respondant au troisième jour du neuvième mois d
la cinquième année du Ninpo Ancheï, dite l'an
née du cheval.





Rec 10. Feby Mr Lewis

Official
No. 39.

Legation of the United States
On Board the Minnesota
Harbour of HongKong.
November 25th 1858.

Sir,

I have the honour to inform you of my arrival here, having sailed from Shanghae on the 11th inst. It is my intention, availing myself of the permission of the President to leave China so soon as this Ship can be made ready for Sea, which will probably be on the 8th proximo. I go in her as far as Bombay, thence taking the mail Steamer for Europe.

I beg to forward to you a brief correspondence between Admiral Sir Michael Seymour and me which will show to the President the very pleasant Relations existing between us. I am indebted to Sir Michael Seymour for many acts of Kindness.

I

The Honble Lewis Cass
Secretary of State
Washington.

I have the honour to be
Sir,
Your Obedient Servant.
William. B. Reed

Legation of the United States
"Minnesota" November 23. 1858

Sir,

Having understood that you had despatched a vessel to make some examination of the Pratas Shoals, I take the liberty of making an official enquiry of Your Excellency in relation to it. My object, I beg to assure you is to convey to the President such information as a new proof of the liberal and enlightened policy of Her Majesty's Government in protecting and facilitating the commerce of all nations in these seas, and of the intelligent activity of her Naval service.

I avail myself of this opportunity to announce to Your Excellency that it is my intention, by the permission of the President to return to the United States shortly leaving the duties of this Legation in charge of Mr Williams as Chargé d'Affaires. I cannot leave China without making to you my sincere acknowledgments for the uniform courtesy and kindness I have received from Your Excellency and all

To Rear Admiral
Sir Michael Seymour K. C. B
H. M. S. Calcutta

all the officers of Her Majesty's service under your command.

With assurances of the highest personal regard, and the most distinguished consideration

I have the honour to be

Sir,

Your Excellency's

most obedient servant

(Signed) William B. Reed

"Calcutta" at Hongkong
23rd November. 1858

Sir,

I have the honor to acknowledge the receipt of Your Excellency's letter of this date, making official enquiry of the object of my despatching a vessel to the Pratas Shoal, in order to convey to the President of the United States such information as a new proof of the liberal and enlightened Policy of Her Britannic Majesty's Government in protecting and facilitating the Commerce of all Nations in these seas.

In reply I have much pleasure in informing Your Excellency that in the month of April last, in pursuance of Orders from the Lords Commissioners of the Admiralty, I dispatched Mr Richards, the Master in command of Her Britannic Majesty's Surveying vessel "Saracen", to survey the Pratas Shoal, with a view to select sites for the erection of one or more Light Houses - This service was executed, and Mr. Richards, in his report, recommended 3 Light Houses to be erected on the spots mentioned in his survey, which must be published by this time.

By the last packet I received a Despatch from the Admiralty, with an Enclosure from the Lords of the Privy Council for Trade, requesting me to ascertain the depth of sand on the proposed sites with a view to the erection of the Light Houses, and this was the object of my yesterday

despatching

despatching the "Cormorant" to the Pratas with an officer of Royal Engineers, to enable me to send home the required information by the present Mail Packet.

I thank Your Excellency for the intimation of your intended departure from China, and for your kind mention of myself and the officers of the Squadron under my command. I shall always regard with pleasure the period of our official intercourse, maintained throughout in a spirit of the utmost cordiality, and I highly appreciate the friendly feelings invariably displayed by the Captains and Officers of the United States' Squadron.

I beg to wish your Excellency a favorable voyage to your own country, where I have no doubt your highly successful negotiations in these seas will be properly appreciated; and with much regard and high esteem

I have the honor to be
Sir,
(Your Excellency's most obedient
humble Servant
(Signed) M. Seymour

Rear-Admiral and Commander-in-Chief of Her Britannic Majesty's ships in China.

His Excellency
The Honble W. B. Reed
United States' Minister to China



Rec'd 10. Feb. Mr Derrick

Official No. 40

Legation of the United States,

U. S. S. Minnesota, Hongkong

Harbor, Nov. 29. 1858

Sir,

On full consideration, and in sense of the extreme importance of the Convention for the adjustment of claims reaching Washington in time for the action of Congress, I have concluded to send the Treaties by a special bearer of — Dispatches, Lieut. Henry Erben of the Mississippi. Mr. Erben is a most respectable officer, who returns to the United States invalided.

I have distinctly explained to Mr. Erben that I can give him no positive assurances as to the payment of his expenses, &c. by the — Department

To Hon'ble Lewis Cass

Secretary of State.

Department, but that I should, as I now do, recommend earnestly that it should be done. I have, since I have been in China, seen many instances where there has been an interruption of the Atlantic mails; and it would be very unfortunate if such an accident were to delay this Convention till Congress either had adjourned, or was too much occupied at the close of the session to attend to the legislation necessary for the adjustment of the claims. I hope, therefore, you will allow Lieut. Eben the usual compensation of a bearer of dispatches in charge of a treaty.

I have the honor to be,

Sir,

Your obedient Servant

William B. Reed

Minnesota Nov.r 29th 1850

My Dear Sir

I must again trouble you with a private note by this mail to go the supplementary treaties signed when will go at Shaykee - with regard to the one adjusting the claims, it will be necessary to ask the prompt action of Congress: I hope my views will be adopted of allowing the Commissioner to sit here - and if so it occurs to me that you might be glad that I should suggest the names of proper persons. It is not very easy to do so - but the fair best judgment I have is that Mr. Oliver E. Roberts, his Counsel at Troy Troy and Mr. Williams are the proper persons. It is right that I should say that Mr. Williams has a claim to a small amount - such is his high character here and the confidence reposed in him by all that no one would object: should you think him objectionable on this score, then

I

time I recommend Mr Charles A. Bradley, the bearer at Ningpo.

Our friends here are highly elated at the prospect of getting their money. I hope you will be able to read the dispatches which go by this mail. They are by last from China. I hope to sail next week for Bombay and to be in London in January or March — and at home in April.

I have been for the last week suffering under an attack of Hong Kong fever — and am very anxious to get to sea.

Truly yours

William B. Reed

The President

Rec'd. Feb. Mr Derrick

Legation of the United States
On Board the Minnesota
Hong Kong. November 29th 1858

Sir,

In accordance with the personal instructions furnished to me by the Department I beg to inform you that I have appointed Lieutenant Henry Erben of the United States Navy Special Bearer of Despatches and have entrusted to his care the two Supplementary Treaties signed by me at Shanghai on the 8th inst: with their Excellencies the Imperial Commissioners and sundry despatches addressed to you. I have explained to Mr Erben that his compensation for this service will be subject to the approval of the Department.

I have the honour to be
Sir,
Your Obedient Servant
William B. Reed

Hon: Lewis Cass
Secretary of State.
Washington.

Rec 24. Feb. Mr Derrick

Official
No. 41

Legation of the United States
On Board the "Minnesota"
Harbour of Hong Kong: December 8th 1868.

Sir

I have the honour to inform you that it is my intention to sail to day homeward by the way of Bombay and Europe, leaving the Archives of the Legation in the hands of Mr. Williams as Chargé d'affaires.

I have drawn my Salary up to the day of leaving China. The return Salary, which is to be, for time occupied in travelling by the most direct and expeditious route to the United States, I shall probably not be compelled to draw until my arrival in London, thus saving a considerable amount of Exchange.

I have the honour to be
Sir,
Your obedient Servant
William B. Reed

Hon: Lewis Cass
Secretary of State.
Washington.

Duplicate

Ken S. Mss.
Mr Grinch

Legation of the United States
U. S. S. Minnesota, Hongkong
Harbor, Dec. 8. 1858

To Hon. Lewis Cass
Secretary of State

Sir.

I have the honor to advise you that I have this day drawn on ~~Hogan~~ Baring Brothers & Co. my bill for £468.6.4. for amount of the portion of the quarter's salary due up to this date, 2 4/15 months, being at the rate fixed by the State Department of $4.84 the pound sterling.

The rate of exchange on the day the bill was sold was Four Shillings Nine pence per dollar, as per inclosed certificate, making it equivalent to $1971.85. For the loss in exchange, which amounts to $294.81. I have drawn on the Department at 30 days sight in favor of Messrs Russell & Co. my bill for $368.57 (which includes the loss by exchange on Washington, now at Twenty per cent. discount) to which please give due honor

I have the honor to be
Sir,
Your obedient Servant

William. B. Reed
Envoy Extraordinary U S A to China

Account of Exchange drawn by William B. Reed, Envoy Extraordinary and Minister Plenipotentiary to China

1858				
Decem.	8	By One bill on Messrs. Baring Brothers & Co. for salary for the part of this Quarter to date, 2 mo. 8 days, £468..6..4. equivalent at the rate of 4/9 stg. per dollar to	$ 1971	85
	8	By One Bill on the State Department for loss of exchange on above, amounting for the sum of $368.51, sold at 20% discount for	294	81
		Total, Dolls	2266	66

E. & O. E.

Legation of the United States
U. S. S. "Minnesota,"
Hongkong Harbor, Dec. 8. 1858

William B. Reed

Certificate

We hereby certify that the rate of exchange for Bills on London at this date is Four Shillings and Nine Pence 4/9 on the dollar, and that the rate for Bills on Washington is twenty per cent. (20%) discount on the dollar in Washington

Hongkong, Dec. 8. 1858

Russell & Co

Legation of the
United States China

Hon.. Lewis Cass
Secretary of State
Washington

Duplicate

Official N°42.

Legation of the United States,

U. S. S. "Minnesota", Hongkong

Harbor, December 8. 1858

Sir,

Annexed I have the honor to forward to you the remaining items of expenditure connected with the negotiations with the Imperial Commissioners. The first amount is in addition to the item placed in the first account sent July 13th, at which date the steamer "Antelope" was at Hongkong, and the whole account could not be obtained. The second amount was expended at Shanghai. Both these outlays are certified by the Secretary of Legation; they properly come under the head of extraordinary expenses, and in conformity with my instructions from the Department, dated June 22d. 1857, I have drawn

for

Hon. Lewis Cass

&c &c

for them from the special contingent fund of Ten Thousand Dollars placed at my disposal in London, in my bill at 30 ds of this date upon Messrs. Baring, Brothers & Co. for One Hundred & Ninety seven Pounds, Ten shillings & Five pence (£197.10.5) being the equivalent of $831.67 at the exchange of 4/9³ sterling per dollar, as per accompanying certificate of rate of exchange

I have, &c

(Signed) William B. Reed

Copy.

Certificate of Exchange

Hongkong, Dec. 8. 1858.

We hereby certify that the rate of Exchange for bills on London in this market is now Four Shillings Nine Pence (4/9) per dollar for a bill at 30 days sight

(Signed) Russell & Co.

Incidental expenses of the Legation of the U. S. in China connected with the negotiation of the Treaty of Tientsin, and with the Tariff and Convention of Claims at Shanghai in November, 1858.

To items of mess-bill on board the Antelope off the Pei-ho, omitted in previous account of July 13th because it could not then be obtained — $150.00

To sundry expenses of official interviews and for confidential services of Liang Ateh and other Chinese writers in Shanghai, in negotiating the convention of claims and tariff 681.67

Total Dolls 831.67

I hereby certify that the above account of expenses is correct, and that the money was paid for the various purposes therein specified

S Wells Williams

Dec. 8. 1858. Secretary of Legation

Witness to payment:

Alexander McKinley

Private Secretary

Duplicate

Legation of the United States,

U. S. S. "Minnesota", Hongkong

Harbor, December 8. 1858

Messrs Baring Brothers & Co.

London.

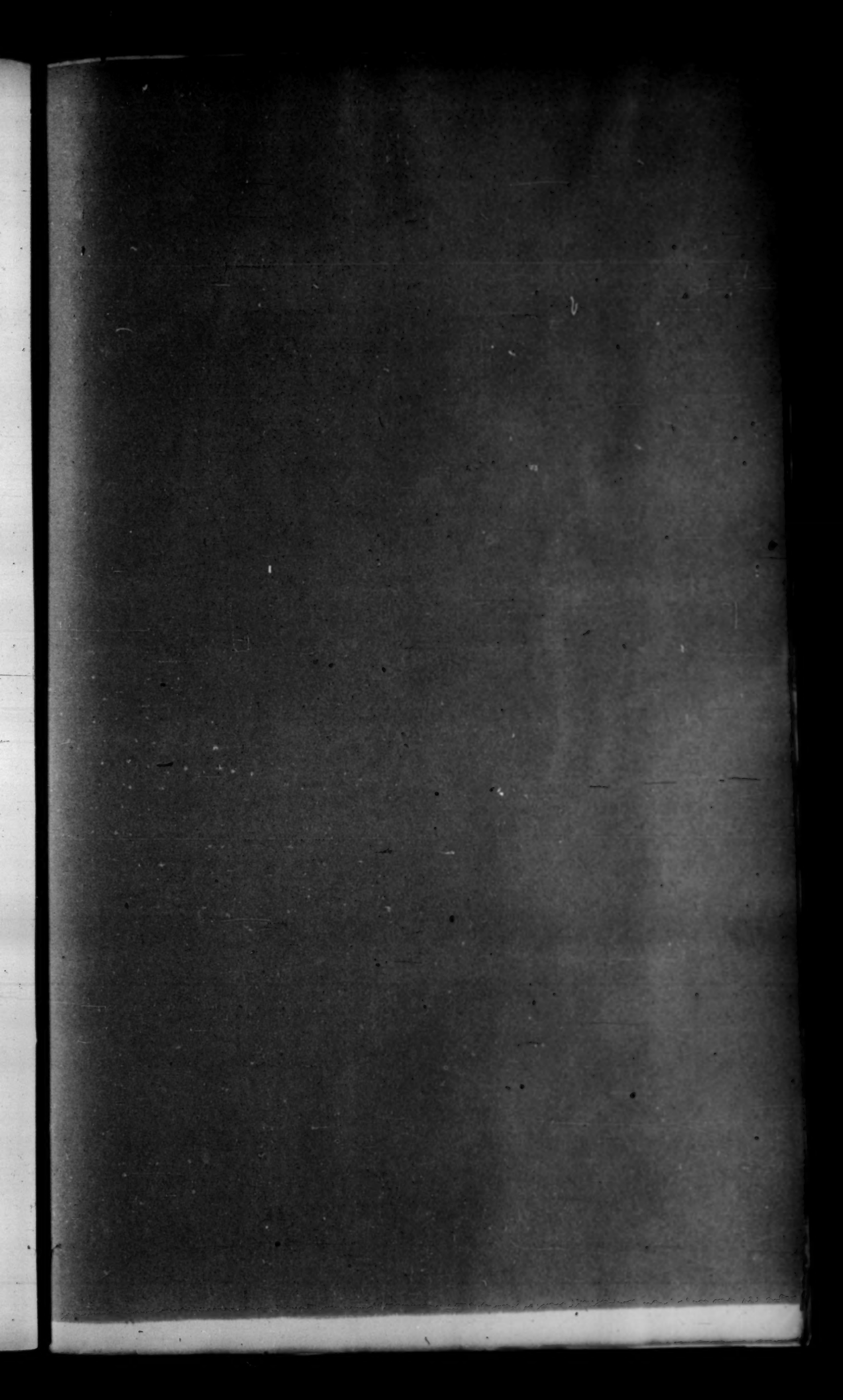
Gentlemen,

In conformity with my Instructions from the Secretary of State, dated June 22d 1857, granting to the Mission to China a special fund for extraordinary expenses not to exceed Ten Thousand Dollars, I have this day drawn upon you my bill at 30 d/s in favor of Messrs. Russell & Co. for the sum of One hundred & ninety-seven Pounds, Ten Shillings, and Five Pence (£197.10.5) to be placed by you to account of the special fund as advised by the Department of State, to which please give due honor on presentation

Your Obedient Servant

William B. Reed

£197.10.5 Envoy Extraordinary & Min. Plen. U. S. A.



Recd 24. Feb. Mo Derrick

Official No. 43

Legation of the United States,
U. S. S. "Minnesota", Hongkong
Harbor, Dec. 8. 1858

Sir,

With this I have the honor to forward the accounts for contingent expenses incurred by this Legation during the present year, including the postage paid in London by the Dispatch Agent for the five quarters ending Sept. 30. 1858. Owing to the recent regulations established by the English Post Office, and the increased correspondence of the Legation, the amount of payments for postage have been greater than usual during the past twelve months.

I have also to acknowledge the arrival of a box of Stationery from the Department, and a box containing the volumes of Congressional and Executive Documents for the use of this Legation.

I have the honor to be,
Sir,
Your Obedient Servant
William B. Reed

To Hon'ble Lewis Cass
Secretary of State, Washington

Rec'd 19. May. Mr. Derrick

Washington. May 18. 1859.

Sir,

I have the honor to inform you that, having left China on the 8th of December last, I reached my residence in Philadelphia on the 11th of May. 1859. I beg to forward to you my account for return salary stated on the principle of charging for the time actually occupied in the transit from Hong Kong to Philadelphia, and making no charge for stoppages on the way, granting two days that by direction of the Government I remained at Lyons in order to confer with my successor Mr Reed. I beg your early attention to it. I have the honor to be

Sir, your obed.t Servant

William. B. Reed

The Hon.ble

Lewis Cass

Secretary of State

END